



**Public Meeting Room A
Delta Administration Building
7710 West Saginaw Highway
Lansing, MI 48917**

**TOWNSHIP BOARD
REGULAR MEETING
AGENDA
November 4, 2013
6:00 P.M.**

- I. CALL TO ORDER**
- II. OPENING CEREMONIES – Pledge of Allegiance**
- III. ROLL CALL – Members:** Supervisor Ken Fletcher, Clerk Mary Clark, Treasurer Howard Pizzo, Trustees Dennis Fedewa, Jeff Hicks, R. Douglas Kosinski, Karen Mojica
- IV. PRESENTATIONS AND PROCLAMATIONS**
- V. SET/ADJUST AGENDA**
- VI. PUBLIC HEARINGS**
 - 1. FY 2014 Budget**
 - a. Public Hearing
 - b. Township Resolution
- VII. COMMUNICATIONS**
- VIII. PUBLIC COMMENTS FOR ITEMS NOT ON AGENDA (*maximum two minutes*)**
- IX. INTRODUCTION OF ORDINANCES**
 - 2. Introduction of amendments to the Delta Township Fire Prevention and Protection Ordinance, Chapter 16, article II.**

The Fire Department recommends that the Township Board introduce amendments to the Delta Township Fire Prevention and Protection Ordinance, by adopting the International Fire Code, 2012 Edition in its entirety, and the Delta Township Fire Department Supplemental Rules and Regulations.
- X. PASSAGE OF ORDINANCES**
 - 3. Adoption of Proposed Zoning Ordinance Amendments Pertaining to Pets, Livestock and Wild Animals**

The Community Development recommends that the Township Board deny the proposed Zoning Ordinance text amendments submitted by Nicole Schuiling pertaining to Pets, Livestock, and Wild Animals.

CHARTER TOWNSHIP OF DELTA

XI. CONSENT AGENDA – Anyone may request item/s to be pulled from the consent agenda for discussion. If left on the consent agenda, the items will be voted on by a roll call vote of the Board en masse. Then, the individual item/s will be discussed and voted upon.

4. Bills and Financial Transactions

\$1,121,897.66

5. Minutes

October 21, 2013 Regular Board Meeting Minutes

6. Acceptance of Eaton Senior Leasing, LLC (Ciena Healthcare) Utility Agreement

The Community Development recommends that the Township Board approve the Municipal Utility Agreement by Eaton Senior Leasing, LLC for the extension of water and sewer facilities to serve the proposed Regency at Lansing Skilled Nursing Facility.

7. Proposed 2014 Holiday Schedule

The Manager's Office recommends that the Township Board approve the proposed 2014 Holiday Schedule.

8. Additional Credited Service for Donald Fox, Fire Department

The Manager's Office recommends that the Township Board approve the request by Paramedic Firefighter Donald Fox, to purchase twenty-one (21) months of additional credited service (generic time).

XII. ITEMS REMOVED FROM CONSENT AGENDA FOR DISCUSSION

XIII. ITEMS ADDED TO AGENDA UNDER SECTION V. SET/ADJUST AGENDA

XIV. ITEMS OF BUSINESS

XV. MANAGER'S REPORT

XVI. COMMITTEE OF THE WHOLE

9. Resolution to call for action by the Michigan Legislature and Governor to amend the Elliott-Larsen Civil Rights Act – Trustee Fedewa

10. Executive Session

Manager Watkins recommends that the Township Board adjourn to Executive Session to discuss the collective bargaining agreement with the Delta Township Firefighter's Union. This is allowed under the Open Meetings act, Section 15.268 (c), P.A. 267 of 1976, as amended.

XVII. PUBLIC COMMENTS (*maximum five minutes*)

XVIII. ADJOURNMENT

CHARTER TOWNSHIP OF DELTA

MARY R. CLARK, TOWNSHIP CLERK

Phone (517) 323-8500

Individuals with disabilities requiring auxiliary aids or services who are planning to attend Township meetings or hearings should contact the Clerk's Office by writing or calling in advance (323-8500) to inform them of the date of the meeting/hearing that will be attended. Copies of minutes may be purchased or viewed in the Clerk's Office from 8 a.m. to 5 p.m., Monday through Friday.

MEMO

TO: Township Board
Delta Township



FROM: Jeff Anderson, Finance Director
Richard Watkins, Township Manager

DATE: October 30, 2013

SUBJECT: Adoption of Fiscal Year 2014 Recommended Budget

On November 4, 2013 the Township Board will hold a "Public Hearing" on the Fiscal Year 2014 Recommended Budget. As per the Charter Township Act, Act 359, Public Acts of 1947, Section 42.26 and 42.27, as amended, the next year's fiscal budget requires one public hearing before final adoption no later than December 31th of each year.

Attached to this memo please find 2014 budget summaries for all major funds.

The following resolution is offered for your consideration:

"I move the Township Board of the Charter Township of Delta adopt the budgets for 2014 by appropriating funds as follows:

\$16,150,112 for the General Fund Budget;
\$1,344,231 for the Paramedic Fund Budget;
\$15,000 for the Economic Development Corp. Fund
\$391,875 for the Debt Service Fund
\$469,000 for the Capital Projects Fund
\$3,977,105 for the Sewer Enterprise Fund
\$5,178,959 for the Water Enterprise Fund

Estimated Revenues to support the appropriations above are:

\$16,164,198 for the General Fund
\$1,252,494 for the Paramedic Fund
\$1,000 for the Economic Development Corporation Fund
\$391,875 for the Debt Service Fund
\$157,500 for the Capital Projects Fund
\$3,959,300 for the Sewer Fund, and
\$5,339,770 for the Water Fund."

Appropriations will be deemed maximum authorizations to incur expenditures. The manager shall exercise supervision and control to ensure the expenditures are within appropriations.

Thank you.

Fund: 101 General Fund

2014 DELTA TOWNSHIP BUDGET REQUEST

GL NUMBER	DESCRIPTION	2013 AMENDED BUDGET	2014 REQUESTED BUDGET
ESTIMATED REVENUES			
Dept 000.000-		15,498,563	16,164,198
TOTAL ESTIMATED REVENUES		15,498,563	16,164,198
APPROPRIATIONS			
Dept 101.000-Board of Trustees		89,364	90,804
Dept 172.000-Township Manager		480,039	486,534
Dept 215.000-Township Clerk		429,018	492,096
Dept 228.000-INFORMATION TECHNOLOGY		236,496	220,947
Dept 253.000-Accounting & Treasury		664,526	678,846
Dept 257.000-Assessing		497,780	483,250
Dept 265.000-Building and Grounds		422,583	431,310
Dept 272.000-General Activity		707,600	765,200
Dept 276.000-Cemetery		191,163	184,332
Dept 301.000-Sheriff		3,007,900	3,066,625
Dept 336.000-Fire Department		1,895,923	2,365,393
Dept 336.333-LGRFA		349,487	372,496
Dept 336.344-Emergency Operations Center		14,100	29,100
Dept 371.000-Building/Safety Inspection		672,776	664,283
Dept 442.000-RECYCLING		67,135	71,321
Dept 445.000-Drains		224,550	216,880
Dept 446.000-Roads		473,100	330,500
Dept 447.000-Engineering		361,531	373,190
Dept 448.000-Street Lighting		480,440	506,665
Dept 651.000-Ambulance		2,489,450	2,492,006
Dept 721.000-Planning		328,942	417,251
Dept 728.000-Economic Development		89,954	91,219
Dept 751.000-Parks and Recreation		1,253,892	1,319,864
TOTAL APPROPRIATIONS		15,427,749	16,150,112
NET OF REVENUES/APPROPRIATIONS - FUND 101		70,814	14,086

2014 DELTA TOWNSHIP BUDGET REQUEST

GL NUMBER	DESCRIPTION	2013 AMENDED BUDGET	2014 REQUESTED BUDGET
ESTIMATED REVENUES			
Dept 651.000-Ambulance			
210-651.000-404.000	Current Property Taxes - Real	1,215,941	1,207,094
210-651.000-437.000	Industrial Facilities Tax	22,800	21,400
210-651.000-665.000	Interest	32,000	24,000
Totals for dept 651.000-Ambulance		1,270,741	1,252,494
TOTAL ESTIMATED REVENUES		1,270,741	1,252,494
APPROPRIATIONS			
Dept 651.000-Ambulance			
210-651.000-719.000	Health Insurance	154,800	117,225
210-651.000-999.000	Appropriations-Transfers Out	1,299,450	1,227,006
Totals for dept 651.000-Ambulance		1,454,250	1,344,231
TOTAL APPROPRIATIONS		1,454,250	1,344,231
NET OF REVENUES/APPROPRIATIONS - FUND 210		(183,509)	(91,737)

2014 DELTA TOWNSHIP BUDGET REQUEST

GL NUMBER	DESCRIPTION	2013 AMENDED BUDGET	2014 REQUESTED BUDGET
ESTIMATED REVENUES			
Dept 728.000-Economic Development			
244-728.000-665.000	Interest	1,200	1,000
Totals for dept 728.000-Economic Development		1,200	1,000
TOTAL ESTIMATED REVENUES		1,200	1,000
APPROPRIATIONS			
Dept 728.000-Economic Development			
244-728.000-806.000	Contractual Services - Other	10,000	12,000
244-728.000-962.000	Contributions	3,000	3,000
Totals for dept 728.000-Economic Development		13,000	15,000
TOTAL APPROPRIATIONS		13,000	15,000
NET OF REVENUES/APPROPRIATIONS - FUND 244		(11,800)	(14,000)

2014 DELTA TOWNSHIP BUDGET REQUEST

GL NUMBER	DESCRIPTION	2013 AMENDED BUDGET	2014 REQUESTED BUDGET
ESTIMATED REVENUES			
Dept 905.000-Debt Service			
301-905.000-665.000	Interest		325
301-905.000-667.000	Rents	395,875	391,550
Totals for dept 905.000-Debt Service		395,875	391,875
TOTAL ESTIMATED REVENUES		395,875	391,875
APPROPRIATIONS			
Dept 905.000-Debt Service			
301-905.000-991.000	Debt - Principal	100,000	100,000
301-905.000-995.000	Debt - Interest	295,875	291,550
301-905.000-998.000	Paying Agent Fees		325
Totals for dept 905.000-Debt Service		395,875	391,875
TOTAL APPROPRIATIONS		395,875	391,875
NET OF REVENUES/APPROPRIATIONS - FUND 301			

2014 DELTA TOWNSHIP BUDGET REQUEST

GL NUMBER	DESCRIPTION	2013 AMENDED BUDGET	2014 REQUESTED BUDGET
ESTIMATED REVENUES			
Dept 900.000-CAPITAL OUTLYA			
402-900.000-665.000	Interest	12,000	11,000
402-900.000-699.000	APPROPRIATION TRANSFER-IN	147,000	146,500
Totals for dept 900.000-CAPITAL OUTLYA		159,000	157,500
TOTAL ESTIMATED REVENUES		159,000	157,500
APPROPRIATIONS			
Dept 900.000-CAPITAL OUTLYA			
402-900.000-999.000	Appropriations-Transfers Out		469,000
Totals for dept 900.000-CAPITAL OUTLYA			469,000
TOTAL APPROPRIATIONS			469,000
NET OF REVENUES/APPROPRIATIONS - FUND 402		159,000	(311,500)

Fund: 590 Sewer Fund

2014 DELTA TOWNSHIP BUDGET REQUEST

GL NUMBER	DESCRIPTION	2013 AMENDED BUDGET	2014 REQUESTED BUDGET
ESTIMATED REVENUES			
Dept 527.000-Sewer			
590-527.000-617.000	Main Charges	20,000	20,000
590-527.000-618.000	Capital Charges	90,000	100,000
590-527.000-641.000	Other Charges for Services	7,500	35,000
590-527.000-646.000	Sewer/Water Sales	3,840,000	3,674,000
590-527.000-662.000	Late Payment Penalties	43,000	44,000
590-527.000-665.000	Interest	98,500	70,500
590-527.000-666.000	Interest S/A	13,500	12,800
590-527.000-673.000	Sale of Fixed Assets	1,800	3,000
Totals for dept 527.000-Sewer		4,114,300	3,959,300
TOTAL ESTIMATED REVENUES		4,114,300	3,959,300
APPROPRIATIONS			
Dept 527.000-Sewer			
590-527.000-702.000	Salaries & Wages - Regular	1,351,112	1,361,184
590-527.000-703.000	Salaries & Wages - Temporary	38,215	19,200
590-527.000-704.000	Salaries & Wages - Overtime	10,000	10,000
590-527.000-706.000	Salaries & Wages - Longevity	36,507	34,483
590-527.000-715.000	F.I.C.A.	108,857	107,927
590-527.000-717.000	Workers' Compensation	25,217	27,376
590-527.000-719.000	Health Insurance	444,623	458,831
590-527.000-720.000	Life, Dental & Disability Ins.	46,233	45,875
590-527.000-721.000	Retirement	164,938	165,829
590-527.000-724.000	Uniform Allowance	9,000	9,000
590-527.000-728.000	Office Supplies	10,000	8,000
590-527.000-729.000	Photo Copies	100	100
590-527.000-730.000	Postage	31,000	27,000
590-527.000-731.000	Publications	100	100
590-527.000-740.000	Operating Supplies	10,000	10,000
590-527.000-743.000	Chemicals	240,000	240,000
590-527.000-744.000	Laboratory Supplies	10,000	10,000
590-527.000-759.000	Tools	3,000	3,000
590-527.000-776.000	Building Maintenance Supplies	12,000	12,000
590-527.000-778.000	Equipment Maintenance Supplies	125,000	125,000
590-527.000-780.000	Ground Maintenance Supplies	9,000	8,000
590-527.000-803.000	Audit Fees	8,000	8,000
590-527.000-804.000	Accounting Fees	142,500	140,000
590-527.000-806.000	Contractual Services - Other	38,500	28,500
590-527.000-808.000	Legal Fees	1,500	1,000
590-527.000-820.000	Administration Fees	100,000	100,000
590-527.000-821.000	Engineering Fees	10,000	7,500
590-527.000-851.000	Radio Maintenance	2,000	
590-527.000-852.000	Telephone	17,100	17,000
590-527.000-853.000	Miss Dig		500
590-527.000-862.000	Gasoline & Diesel	33,000	33,000
590-527.000-863.000	Vehicle Maintenance	17,000	21,000
590-527.000-911.000	Fleet Insurance	11,125	11,700
590-527.000-912.000	Liability Insurance	79,800	84,100
590-527.000-921.000	Electricity	330,000	350,000
590-527.000-922.000	Heat	10,000	10,000
590-527.000-923.000	Sewer & Water	3,000	3,200
590-527.000-931.000	R&M Services - Building	18,000	18,000
590-527.000-933.000	R&M Services - Equipment	15,000	12,000
590-527.000-934.000	R&M Services - Other	41,000	38,000
590-527.000-957.000	Education & Training	1,500	1,200
590-527.000-959.000	Membership & Dues	15,800	15,000
590-527.000-960.000	Meetings, Conferences, Seminars	2,000	2,000
590-527.000-970.000	Capital Outlay	324,000	392,500
590-527.000-991.000	Debt - Principal	248,675	
590-527.000-995.000	Debt - Interest	45,723	
590-527.000-998.000	Paying Agent Fees	125	
Totals for dept 527.000-Sewer		4,200,250	3,977,105
TOTAL APPROPRIATIONS		4,200,250	3,977,105
NET OF REVENUES/APPROPRIATIONS - FUND 590		(85,950)	(17,805)

Fund: 591 Water Fund

2014 DELTA TOWNSHIP BUDGET REQUEST

GL NUMBER	DESCRIPTION	2013 AMENDED BUDGET	2014 REQUESTED BUDGET
ESTIMATED REVENUES			
Dept 536.000-Water			
591-536.000-617.000	Main Charges	20,000	30,000
591-536.000-618.000	Capital Charges	50,000	50,000
591-536.000-641.000	Other Charges for Services	68,000	75,000
591-536.000-646.000	Sewer/Water Sales	4,960,000	4,884,800
591-536.000-650.000	Sales - Other	15,000	15,000
591-536.000-662.000	Late Payment Penalties	50,000	55,000
591-536.000-665.000	Interest	77,000	56,000
591-536.000-666.000	Interest S/A	18,000	20,000
591-536.000-667.000	Rents	136,000	137,970
591-536.000-670.000	Other Interest Income	15,000	15,000
591-536.000-673.000	Sale of Fixed Assets	1,500	1,000
Totals for dept 536.000-Water		5,410,500	5,339,770
TOTAL ESTIMATED REVENUES		5,410,500	5,339,770
APPROPRIATIONS			
Dept 536.000-Water			
591-536.000-702.000	Salaries & Wages - Regular	445,183	461,765
591-536.000-703.000	Salaries & Wages - Temporary	14,970	4,000
591-536.000-704.000	Salaries & Wages - Overtime	10,000	10,000
591-536.000-706.000	Salaries & Wages - Longevity	13,683	13,332
591-536.000-715.000	F.I.C.A.	36,030	37,272
591-536.000-717.000	Workers' Compensation	10,572	11,722
591-536.000-719.000	Health Insurance	153,642	133,442
591-536.000-720.000	Life, Dental & Disability Ins.	15,249	15,860
591-536.000-721.000	Retirement	53,700	55,683
591-536.000-724.000	Uniform Allowance	3,500	3,500
591-536.000-728.000	Office Supplies	8,000	6,000
591-536.000-730.000	Postage	29,500	26,500
591-536.000-740.000	Operating Supplies	48,000	63,000
591-536.000-740.001	Board of W/L Billings	2,286,568	2,247,008
591-536.000-743.000	Chemicals	500	500
591-536.000-759.000	Tools	1,500	1,500
591-536.000-776.000	Building Maintenance Supplies	9,000	9,000
591-536.000-778.000	Equipment Maintenance Supplies	19,000	19,000
591-536.000-780.000	Ground Maintenance Supplies	5,500	3,500
591-536.000-803.000	Audit Fees	8,000	8,200
591-536.000-804.000	Accounting Fees	142,500	137,000
591-536.000-805.000	Consultant Fees	5,000	2,500
591-536.000-806.000	Contractual Services - Other	40,500	25,000
591-536.000-820.000	Administration Fees	100,000	100,000
591-536.000-821.000	Engineering Fees	10,000	10,000
591-536.000-851.000	Radio Maintenance	2,000	
591-536.000-852.000	Telephone	14,000	15,000
591-536.000-853.000	Miss Dig		500
591-536.000-862.000	Gasoline & Diesel	18,000	19,000
591-536.000-863.000	Vehicle Maintenance	10,000	20,000
591-536.000-911.000	Fleet Insurance	11,500	11,500
591-536.000-912.000	Liability Insurance	19,700	21,000
591-536.000-921.000	Electricity	70,000	77,800
591-536.000-922.000	Heat	8,000	8,000
591-536.000-923.000	Sewer & Water	1,000	1,000
591-536.000-931.000	R&M Services - Building	39,000	50,000
591-536.000-931.001	Well Abandonment - Drilling	10,000	10,000
591-536.000-933.000	R&M Services - Equipment	5,000	4,000
591-536.000-957.000	Education & Training	2,000	2,000
591-536.000-959.000	Membership & Dues	16,400	16,400
591-536.000-960.000	Meetings, Conferences, Seminars	800	800
591-536.000-970.000	Capital Outlay	417,000	216,000
591-536.000-991.000	Debt - Principal	1,246,325	900,000
591-536.000-995.000	Debt - Interest	381,427	399,425
591-536.000-998.000	Paying Agent Fees	1,000	1,250
Totals for dept 536.000-Water		5,743,249	5,178,959
TOTAL APPROPRIATIONS		5,743,249	5,178,959
NET OF REVENUES/APPROPRIATIONS - FUND 591		(332,749)	160,811

DELTA TOWNSHIP

**GOVERNMENTAL FUNDS
BUDGETED FUND BALANCE FOR FISCAL YEAR ENDING 12/31**

Fund #	Fund Name	12/31/2013 Est.	2014 Budgeted Revenue	2014 Budgeted Expenditures	2014 Est. Fund Balance
GENERAL FUND					
101	Unassigned	8,232,344	16,164,198	16,150,112	8,246,430
101	Assigned/Restricted	6,591,577			6,591,577
SPECIAL REV. FUNDS					
210	Ambulance Fund	2,232,444	1,252,494	1,344,231	2,140,707
244	Economic Development Corp. Fund	105,248	1,430	15,630	91,048
	Total Special Revenue Funds	2,337,692	1,253,924	1,359,861	2,231,755
OTHER FUND TYPES					
404	Capital Projects Fund	1,951,281	157,500	469,000	1,639,781
301	General Debt Fund	34,389	395,875	395,875	34,389
Total Fund Balance - All Government Funds		19,147,283	17,971,497	18,374,848	18,743,932

Memo

TO: Delta Township Board

FROM: John C. Clark, Fire Chief
Delta Township Fire Department

DATE: November 1, 2013

SUBJECT: Introduction of Amendments to the Delta Township Fire Prevention and Protection Ordinance, Chapter 16, article II, by adopting the *2012 International Fire Code* and the Delta Township Fire Department *Supplemental Rules and Regulations*.

I am recommending the adoption of the new *International Fire Code*, 2012 Edition, in its entirety, as its new fire code. In addition, I am also recommending the adoption of the Delta Township Fire Department *Supplemental Rules and Regulations*.

I offer the following resolution:

"I move that the Delta Township Board introduce amendments to the Delta Township Fire Prevention and Protection Ordinance, Chapter 16, article II, by adopting the International Fire Code, 2012 Edition in its entirety, and the Delta Township Fire Department Supplemental Rules and Regulations, and

Further, The Township Clerk is hereby directed to advertise this introduction in local newspapers. "

Thank you for your consideration of this recommendation.

LEGISLATION FOR ADOPTION OF THE INTERNATIONAL FIRE CODE

ORDINANCE Section 16-19 and Amendments 16-20

An ORDINANCE of the Charter Township of Delta adopting the 2012 edition of the International Fire Code, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the Delta Charter Township; providing for the issuance of permits and collection of fees therefor; repealing ORDINANCE Section 16-19 and Amendments 16-20 of the Charter Township of Delta and all other ordinances or parts of laws in conflict therewith.

The Delta Township Board of the Delta Charter Township does ordain as follows:

Section 1. That a certain document, of which a copy is on file in the office of the Clerk of the Charter Township of Delta, being marked and designated as the International Fire Code, 2012 edition; including Appendix Chapters B, C, and D; as published by the International Code Council, be and is hereby adopted as the Fire Code of the Charter Township of Delta, in the State of Michigan regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the charter Township of Delta are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. That the following sections are hereby revised:

101.1 **Title:** Insert: Charter Township of Delta

101.3 **Intent:** Addition: State regulations prevail whenever state law or regulations provide a higher standard or requirement than is provided in the fire prevention code, the higher requirement or standard of this state law shall be followed in lieu of the requirement or standard of the fire prevention code. Said state standards or requirements shall be construed as part of this code as if fully set forth herein, and shall be enforceable as a part of this code.

109.1 **Unlawful acts:** Addition: It shall also be unlawful to reset an active fire alarm prior to the arrival of the fire department. Such acts shall be punishable up to a misdemeanor as required by this code.

109.3.1 **Service:** Addition: It shall be acceptable for the notice to be sent electronically via email and shall serve as satisfying this section of the code.

109.4 **Violation Penalties:** Insert: Misdemeanor; \$500.00; 93 days

111.4 **Failure to comply:** Insert: \$500.00; \$500.00

202 **Definitions:** Amended: Division 1.4G Fireworks are defined by the Michigan Fireworks Safety Act, Public Act 256 of 2011, MCL 28.451 et seq.

302.1 **Definitions.** New definitions added as follows:

- **Burning Barrel Fire:** Burning barrel fire means any fire in the vicinity of a residence within the curtilage of a dwelling; where the material to be burned has been placed in a fireproof container constructed of metal or masonry, with an approved spark arrestor with openings not larger than $\frac{3}{4}$ of an inch.

- **Training Burn:** Training burn means any fire set by the fire chief or his designee for the purpose of training members of the fire department in the techniques of fire control, management or prevention.
- **Yard Waste:** Yard waste means lawn clippings, leaves, twigs and branches (excluding stumps) not more than three inches in diameter and not more than four feet in length; weeds, brush, shrub clippings and other plant matter which does not emit a foul or offensive odor when burned.

307.2.1 **Authorization:** Amended: Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the fire chief or his designee, provided that all conditions specified in the authorization are followed.

307.3.1 **Bonfires and Recreational Fires:** Amended: A bonfire or recreational fire shall not be conducted within 25 feet of a structure or combustible materials. Conditions which could cause a fire to spread within 25 feet (7,620 mm) of a structure shall be eliminated prior to ignition. The size of the bonfire or recreational fire shall be limited to three feet by three feet by three feet.

307.3.2 **Recreational Fires** is hereby deleted.

307.6 **Regulated Activities:** is a new section added as follows:

- 307.6 **Regulated Activities.** The fire chief is authorized to regulate all burning within the township.
- 307.6.1 **Open Burning of Yard Waste:** The burning of yard waste shall **only** be permitted in areas zoned A-1 or A-2 anytime during the calendar year with a permit.
- 307.6.2 **Bonfires and Recreational Fires:** Bonfires and Recreational fires may be permitted anytime during the calendar year with a permit.
- 307.6.3 **Training Burns:** Training burns may be permitted any time during the calendar year at the discretion of the fire chief or his designee.
- 307.6.4 **Burning Barrel Fires:** Burning barrel fires may be permitted in areas zoned A-1 or A-2 any time during the calendar **and may only be used** between sunrise and sunset.
- 307.6.5 **Open Burning for Development:** The fire chief or his designee may issue a permit for open burning on public or private property being cleared for the purpose of development or in cases deemed emergencies.

903.3.1.3 **NFPA 13D Sprinkler Systems:** Amended: Where allowed, automatic sprinkler systems installed in one- and two-family dwellings and townhouses shall be installed throughout in accordance with NFPA 13D.

906.2 **General Requirements:** Amended: Fire extinguishers shall be selected, installed and maintained in accordance with this section and NFPA 10, or as may be required by the fire chief or his designee.

906.3 **Size and distribution:** Exceptions. Occupancy classifications Group A divisions 1—5; Group B; Group M and Group R divisions 1—4 shall be as follows:

- Portable fire extinguisher(s) in occupancies not equipped with automatic fire protection systems shall have a minimum rating of 4A-60BC **(10 pound multi-purpose)** with the maximum travel distance not to exceed 50 feet in any direction to an extinguisher.
- Portable fire extinguisher(s) in occupancies equipped with automatic fire protection systems shall have a minimum rating of 4A-60BC **(10 pound multi-purpose)** with the maximum travel distance not to exceed 75 feet in any direction to an extinguisher.

906.9 **Extinguisher installation:** Amended: Portable fire extinguishers having a gross weight not exceeding 40 pounds shall be installed so that its top is five feet above the floor. Hand-held portable fire extinguishers having a gross weight exceeding 40 pounds shall be installed so that its top is not more than

3½ feet above the floor. The clearance between the floor and the bottom of the installed hand-held extinguishers shall not be less than four inches.

907.3.1 Duct smoke detectors: Amended: Smoke detectors installed in ducts shall be listed for the air velocity, temperature, and humidity present in the duct. Duct smoke detectors shall be connected to the building's fire alarm control unit where a fire alarm is required by Section 907.2. **Duct smoke detectors connected to the fire alarm control unit shall be a "smart" type detector capable of sending condition information and being reset from to fire alarm panel. Detectors shall, upon activation, perform the intended function and activate the alarm notification appliances or activate a visible and audible full alarm signal at a constantly attended location and shall perform the intended fire safety function in accordance with this code and the International Mechanical Code. Duct smoke detectors shall not be used as a substitute for required open area detection.**

Exceptions:

1. The supervisory signal at a constantly attended location is not required where duct smoke detectors activate the building's alarm notification appliances.
2. In occupancies not required to be equipped with a fire alarm system, actuation of a smoke detector shall activate a visible and an audible signal in an approved location. Smoke detector trouble conditions shall activate a visible or audible signal in an approved location and shall be identified as air duct detector trouble.

907.6.5 Monitoring: Addition: An IP transmitter for fire alarm transmission is allowed but must be UL Standard listed. Any IP transmitters must have two modes of communication, one of which must be a POTS (Plain Old Telephone System) line.

1006.1 Illumination required: Addition: The emergency egress lighting shall be tested in dark conditions and witnessed by the Delta Township Electrical Inspector and/or the Fire code Official.

5601.1.3 Fireworks: Amended: The sale, display, storage, transportation, or distribution of fireworks shall comply with the provisions of the Michigan Fireworks Safety Act, Public Act 256 of 2011, MCL 28.451 et seq. Nothing in this section shall modify generally applicable township ordinances, including, without limitation, those regulating vendors, peddlers, transient merchants, solicitors, and hucksters.

C105.1 Hydrant Spacing: Amended: The average spacing between fire hydrants shall not exceed 300 feet. Exception: The fire chief is authorized to accept a deficiency of up to ten percent where existing fire hydrants provide all or a portion of the required fire hydrant service. Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within 200 feet.

Section 3: That ORDINANCE No. Sec. 16-19 and Sec. 16-20 of Charter Township of Delta entitled Sec. 16-19 Adoption and Sec. 16-20 Amendments and all other ordinances or parts of laws in conflict herewith are hereby repealed.

Section 4: That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Charter township of Delta hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5: That nothing in this legislation or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 4 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

Section 6: That the **Township Clerk** is hereby ordered and directed to cause this legislation to be published.

Section 7: That this law and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect **immediately** from and after the date of its final passage and adoption.

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DELTA TOWNSHIP FIRE DEPARTMENT

General Authority Statement

INTERNATIONAL FIRE CODE 2012 EDITION-SECTION 104.1. The fire code official is hereby authorized to enforce the provisions of this code and shall have the authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies and procedures, **rules and regulations** shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for in this code.

Supplemental Rules and Regulations

Delta Township Code of Ordinances Sec. 16-49: The chief is authorized to render interpretations of this Code and to make and enforce rules and supplemental regulations in order to carry out the application and intent of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this Code and shall be available to the public during normal business hours.

Scope and General Requirements

O101.1 **Title:** These regulations shall be known as the *Fire Code* of Delta Charter Township, hereinafter referred to as “this code.”

O101.3 **Intent:** State regulations prevail whenever state law or regulations provide a higher standard or requirement than is provided in the fire prevention code, the higher requirement or standard of this state law shall be followed in lieu of the requirement or standard of the fire prevention code. Said state standards or requirements shall be construed as part of this chapter as if fully set forth herein, and shall be enforceable as a part of this chapter.

Permits

S105.1.1 **Permits required** within Delta Township:

- 105.6.4 **Carnivals and fairs:** (see the International Fire Code)
- 105.6.14 **Explosives:** (see the International Fire Code)

- **S105.6.30 Open Burning:** An operational permit is required to conduct open burning on public or private property. (See Chapter 16 Article III of the Fire Prevention Code in the Charter Township of Delta Michigan Code of Ordinances.)
 - Open burning permits shall be issued primarily online via the Delta Township website. There is no fee for this permit. The following rules shall apply:
 - A wrong or fraudulent ID is subject to a misdemeanor per the International Fire Code.
 - The address on the ID must match the address location of the open burning.
 - Open burning may not be initiated until an official burn permit is received via email or in person (typically within 2 business days of the online application).
 - Burning permits requested in person after normal business hours shall only be for *Recreational burning*.
- **105.6.36 Pyrotechnic special effects material** (see the International Fire Code):
- **S105.6.43 Temporary membrane structures, tents, and canopies:** An operational permit is required to erect or operate an air-supported temporary membrane structure or tent 200 square feet or larger, or a canopy 400 square feet or larger, except for structures used exclusively for camping. Tents shall not be erected for more than thirty (30) days in a single period or more than ninety (90) days in a calendar year.
- **S105.2 Application:** The Delta Township Board of Trustees has established a \$10.00 (ten dollar) fee for the following required permits: Explosives, Carnival and Fairs; Temporary Membrane Structures, Tents, and Canopies; and Pyrotechnic Special Effects Material. Fees shall be collected by a member of the Delta Township Fire Department prior to issuing any permit issued.

Certificate of Occupancy

S105.3.3 Occupancy prohibited before approval: A *Final* Certificate of Occupancy shall be issued by the authority having jurisdiction conditional upon the following:

- The completed project meets the conditions of the construction permit, the approved construction documents including all amendments, and all prior approvals.
- All required fees have been paid.

- All necessary inspections have been completed, and the completed project meets the requirements of the applicable *Codes* and the *Delta Township Supplemental Rules and Regulations*.
- All violations have been corrected, and any assessed penalties have been paid.
- All protective devices and equipment required to be installed by the applicable Codes and the Delta Township Supplemental Rules and Regulations will continue to be operational.

S105.3.4 Conditional Permits: A ***Temporary*** Certificate of Occupancy shall be permitted to be issued at the discretion of the fire code official for the use of parts or portions of a building prior to completion of the entire building.

Violations

O109.1 Unlawful Acts: It shall be unlawful to reset a fire alarm prior to the arrival of the fire department. Such acts shall be punishable up to a misdemeanor as required by the code.

O109.3.1 Service: It is acceptable for the notice to be sent electronically via email and shall serve as satisfying this section of the code.

O109.4 Violation Penalties: Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair, or do work in violation of the *approved construction documents* of directive of the *fire code official*, or of a permit or certificate used under provisions of this code, shall be guilty of a **misdemeanor**, punishable by a fine of not more than **\$500.00** or by imprisonment not exceeding **93 days**, or both such a fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Definitions

O202 Fireworks 1.4G: Fireworks means that term as defined by the Michigan Fireworks Safety Act, Public Act 256 of 2011, and MCL 28.451 et seq.

O302.1 Definitions: New definitions added as follows:

- **Burning Barrel Fire:** Burning barrel fire means any fire in the vicinity of a residence within the curtilage of a dwelling; where the material to be burned has been placed in a

fireproof container constructed of metal or masonry, with an approved spark arrestor with openings not larger than $\frac{3}{4}$ of an inch.

- **Training Burn:** Training burn means any fire set by the fire chief or his designee for the purpose of training members of the fire department in the techniques of fire control, management or prevention.
- **Yard Waste:** Yard waste means lawn clippings, leaves, twigs and branches (excluding stumps) not more than three inches in diameter and not more than four feet in length; weeds, brush, shrub clippings and other plant matter which does not emit a foul or offensive odor when burned.

Open Burning, Recreational Fires, and Portable Outdoor Fireplaces

O307.2.1 **Authorization:** Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the fire chief or his designee, provided that all conditions specified in the authorization are followed.

O307.4.1 **Bonfires and Recreational Fires:** A bonfire or recreational fire shall not be conducted within 25 feet of a structure or combustible materials. Conditions which could cause a fire to spread within 25 feet (7,620 mm) of a structure shall be eliminated prior to ignition. The size of the bonfire or recreational fire shall be limited to three feet by three feet by three feet.

O307.4.2 **Recreational Fires:** is hereby deleted.

O307.6 **Regulated Activities:** is a new section added as follows:

- O307.6 **Regulated Activities:** The fire chief is authorized to regulate all burning within the township.
- O307.6.1 **Open Burning of Yard Waste:** The burning of yard waste shall only be permitted in areas zoned A-1 or A-2 anytime during the calendar year with a permit.
- O307.6.2 **Bonfires and Recreational Fires:** Bonfires and Recreational fires may be permitted anytime during the calendar year with a permit.
- O307.6.3 **Training Burns:** Training burns may be permitted any time during the calendar year at the discretion of the fire chief or his designee.
- O307.6.4 **Burning Barrel Fires:** Burning barrel fires may only be permitted in areas zoned A-1 or A-2 any time during the calendar year and may only be used between sunrise and sunset.

- **O307.6.5 Open Burning for Development:** The fire chief or his designee may issue a permit for open burning on public or private property being cleared for the purpose of development or in cases deemed emergencies.

Fire Apparatus Access Roads

S503.1.1 Buildings and facilities: Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into Delta Township. The fire apparatus access road shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building of facility (see **Figures 1 & 2**).

Figure 1

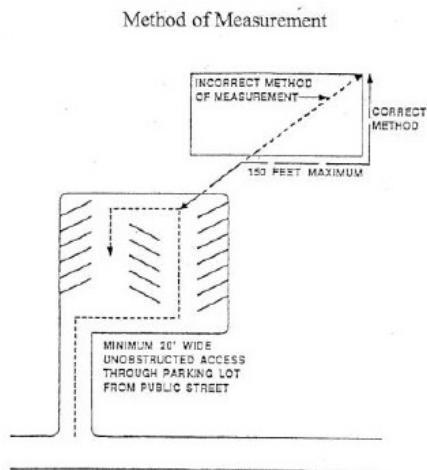
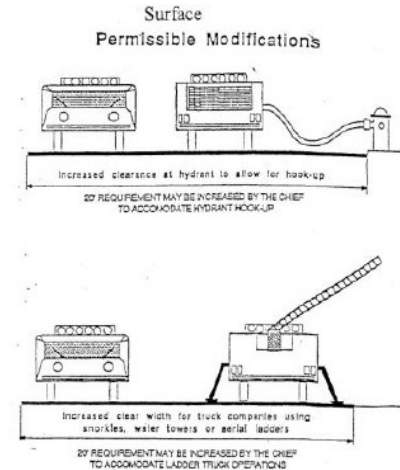


Figure 2



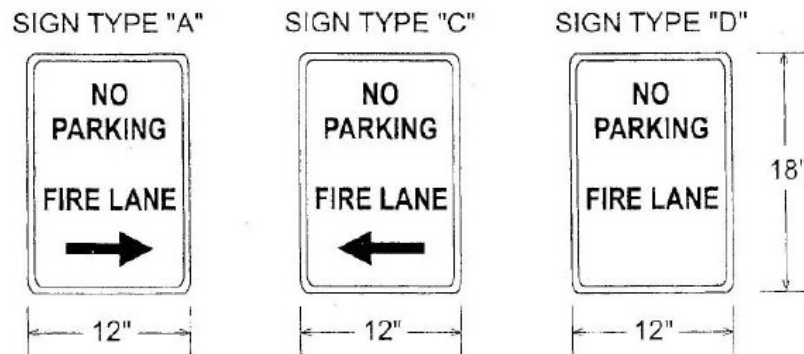
S503.2.1 Dimensions: Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.

S503.2.3 Surface: Facilities, buildings or portions of buildings shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 lbs.

S503.3 Marking: Fire department access roads shall be marked with permanent NO PARKING—FIRE LANE signs complying with Figure 3 (see **Figure 3**). Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road. Additional marking(s) shall be determined by the fire code official. All means by which fire

lanes are designated shall be maintained in a clean and legible condition at all times and replaced or repaired when necessary to provide adequate visibility.

Figure 3
No Parking Signs



Aerial Apparatus Access Roads

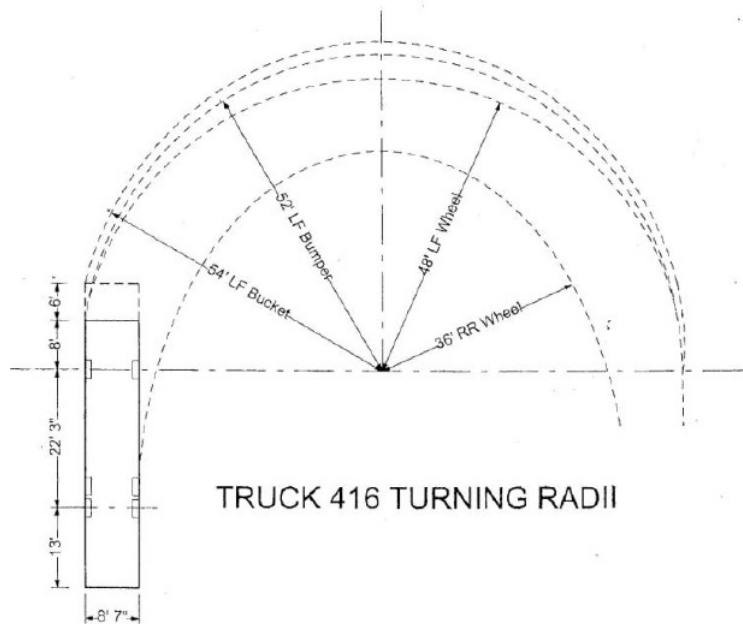
S503.1 Where required: Buildings or portions of buildings or facilities with 3 or more stories or exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.

S503.1.1 Buildings and facilities: At least one of the required access routes shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building.

S503.2.1 Dimensions: Fire apparatus access roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of a building with 3 or more stories or more than 30 feet in height.

S503.2.4 Turning radius: The turning radius of a fire apparatus access road shall be constructed with a minimum turning radius of 36 feet at the inside curb line and a turning radius of 54 feet at the outside curb line (see **Figure 4**).

Figure 4



S503.2.5 DEAD-END TURNAROUND REQUIREMENTS: Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with width and turnaround provisions in accordance with Table D103.4 and Figure 5 and 6. (see **Table D103.4** , **Figure 5**, and **Figure 6**).

Table D-103.4

Requirements for Dead-End Fire Apparatus Access Roads

LENGTH (FEET)	WIDTH (FEET)	TURNAROUNDS REQUIRED
0-150	20	None Required
151-500	20	120-foot Hammerhead, 60-foot "Y" or 96-foot-diameter cul-de-sac in accordance with Figure 6.
501-750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot-diameter cul-de-sac in accordance with Figure 6.
Over 750	Special approval required	

For SI: 1 foot = 304.8 mm.

Figure 5
Turnaround Required

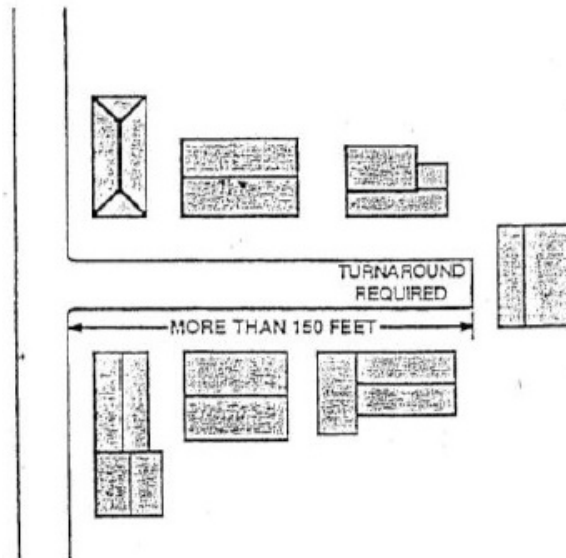
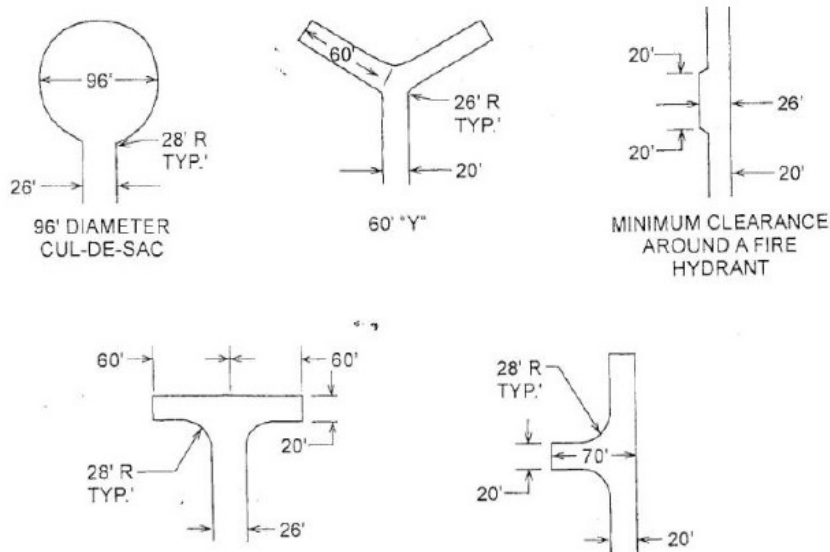


Figure 6
Examples of Dead-End Fire Apparatus Access Road Turnarounds



Commercial and Industrial Developments

S503.1.2 Additional access: Buildings or facilities exceeding 30 feet or 3 stories in height shall have at least three means of fire apparatus access to each structure. Buildings or facilities having a gross building area of more than 62,000 square feet shall be provided with two separate and approved fire apparatus access roads.

- *Exception:* Projects having a gross building area up to 124,000 square feet that have a single approved apparatus access road when automatic fire extinguishing system(s) are provided throughout and approved by the fire code official as an acceptable alternative.
- Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

Fire Apparatus Access Road Gates

S503.6 **Security Gates:** Gates securing the fire apparatus access roads shall comply with all of the following criteria:

- The minimum gate width shall be 20 feet with an unobstructed vertical clearance of 13 feet, 6 inches.
- Gates shall be of the swinging or sliding type.
- Construction of gates shall be of materials that allow manual operation by one person.
- Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
- Electric gates shall be equipped with a means of opening the gate by the fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.
- Manual operating gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools or when a key box containing key(s) to the lock is installed at the gate location.
- Locking device specifications shall be submitted for approval by the fire code official.

Premise Identification

S505.1 **Address identification:** New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. Tenant spaces that are individually addressed shall display their address on the front of the building and the rear service door. All suites are required to display their suite number/letter on both the front and rear door.

These numbers shall contrast with their background. If on glass, they shall be white. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches high for residential dwellings and 6 inches high for commercial buildings.

S505.2 Street or road signs: All street or roads (public or private) shall be identified with approved signs per the Eaton County Address Ordinance as amended in 2007

Key Boxes

S506.1 Where required: A key box is required for every building hereafter constructed when said building has an automatic fire extinguishing system/fire alarm system or where immediate access is necessary for life-saving or firefighting purposes. Keys shall be provided by the owner, manager or occupant to the fire code official each time the lock(s) have been changed or rekeyed. The key to such lock shall be secured in the key box.

- **Location:** Key boxes shall be installed by the owner or his/her representative in an approved location. Key boxes shall be located at or near the entrances to structures or areas with gates. The key boxes shall be mounted no higher than 5 feet and no lower than 3 feet above finished grade.
- **Number:** Depending on the size and configuration of the structure, more than one key box may be required. Determination of the amount of key boxes shall be determined by the fire code official.
- **Order Form:** Appropriate order forms shall be issued by the Fire Prevention Bureau at the fire department administrative offices.

Fire Protection Water Supplies

S507.1: Required water supply: An approved required water supply capable of supplying the required fire flow or fire protection shall be provided to all premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into Delta Township.

S507.3 Fire Flow:

One- and two-family dwellings: The minimum fire flow requirements for one- and two-family dwellings having a fire-flow calculation area which does not exceed 3,600 square feet shall be

1,000 gallons per minute. Fire-flow and flow duration for dwellings having a fire-flow calculation area in excess of 3,600 square feet shall not be less than that specified in Table B105.1 (see **Table B105.1**).

- *Exception:* A reduction in required fire flow of 50%, if approved, is allowed when the building is provided with an approved automatic sprinkler system.

Buildings other than one- and two-family dwellings: The minimum fire-flow and flow duration for buildings other than one- and two-family dwellings shall be as specified in Table B105.1 (see **Table B105.1**).

- *Exception:* A reduction in required fire-flow of up to 75%, as approved, is allowed when the building is provided with an approved automatic sprinkler system. The resulting fire-flow shall not be less than 1,500 per minute for the prescribed duration as specified in Table B105.1.

Table B105.1

Minimum Required Fire Flow and Flow Duration for Buildings

FIRE AREA (square feet)					FIRE FLOW (gallons per minute) ² × 3.785 for L/min.	FLOW DURATION (hours)
Type I-F.R. II-F.R. ¹	Type II One-HR. III One-HR. ¹	Type IV-H.T. V-One-HR. ¹	Type II-N III-N ¹	Type V-N ¹		
× 0.0929 for m ²						
0-22,700	0-12,700	0-8,200	0-5,900	0-3,600	1,500	2
22,701-30,200	12,701-17,000	8,201-10,900	5,901-7,900	3,601-4,800	1,750	
30,201-38,700	17,001-21,800	10,901-12,900	7,901-9,800	4,801-6,200	2,000	
38,701-48,300	21,801-24,200	12,901-17,400	9,801-12,600	6,201-7,700	2,250	
48,301-59,000	24,201-33,200	17,401-21,300	12,601-15,400	7,701-9,400	2,500	
59,001-70,900	33,201-39,700	21,301-25,500	15,401-18,400	9,401-11,300	2,750	3
70,901-83,700	39,701-47,100	25,501-30,100	18,401-21,800	11,301-13,400	3,000	
83,701-97,700	47,101-54,900	30,101-35,200	21,801-25,900	13,401-15,600	3,250	
97,701-112,700	54,901-63,400	35,201-40,600	25,901-29,300	15,601-18,000	3,500	
112,701-128,700	63,401-72,400	40,601-46,400	29,301-33,500	18,001-20,600	3,750	
128,701-145,900	72,401-82,100	46,401-52,500	33,501-37,900	20,601-23,300	4,000	4
145,901-164,200	82,101-92,400	52,501-59,100	37,901-42,700	23,301-26,300	4,250	
164,201-183,400	92,401-103,100	59,101-66,000	42,701-47,700	26,301-29,300	4,500	
183,401-203,700	103,101-114,600	66,001-73,300	47,701-53,000	29,301-32,600	4,750	
203,701-225,200	114,601-126,700	73,301-81,100	53,001-58,600	32,601-36,000	5,000	
225,201-247,700	126,701-139,400	81,101-89,200	58,601-65,400	36,001-39,600	5,250	
247,701-271,200	139,401-152,600	89,201-97,700	65,401-70,600	39,601-43,400	5,500	
271,201-295,900	152,601-166,500	97,701-106,500	70,601-77,000	43,401-47,400	5,750	
295,901-Greater	166,501-Greater	106,501-115,800	77,001-83,700	47,401-51,500	6,000	
"	"	115,801-125,500	83,701-90,600	51,501-55,700	6,250	
"	"	125,501-135,500	90,601-97,900	55,701-60,200	6,500	
"	"	135,501-145,800	97,901-106,800	60,201-64,800	6,750	
"	"	145,801-156,700	106,801-113,200	64,801-69,600	7,000	
"	"	156,701-167,900	113,201-121,300	69,601-74,600	7,250	
"	"	167,901-179,400	121,301-129,600	74,601-79,800	7,500	
"	"	179,401-191,400	129,601-138,300	79,801-85,100	7,750	
"	"	191,401-Greater	128,301-Greater	85,101-Greater	8,000	

Fire Hydrant Systems

S507.5.1 Where required: Fire hydrants shall be provided along required fire apparatus access roads and adjacent public streets.

- The minimum number of fire hydrants available to a building shall not be less than that listed in Table C105.1. The number of fire hydrants available to a complex or subdivision shall not be less than that determined by spacing requirements listed in Table C105.1 when applied to fire apparatus access roads and perimeter public streets from which fire operations could be conducted (see **Table C105.1**).

Table C105.1

Fire Flow Requirement (gpm)	Minimum No. of Hydrants	Average Spacing Between Hydrants ^{1,2,3} (feet)	Maximum Distance From Any Point on Street or Road Frontage to a Hydrant
x 3.785 for L/min.		X 304.8 for mm	
1,750 or less	1	500	250
2,000-2,250	2	450	225
2,500	3	450	225
3,000	3	400	225
3,500-4,000	4	350	210
4,500-5,000	5	300	180
5,500	6	300	180
6,000	6	250	150
6,500-7,000	7	250	150
7,500 or More	8 or more ⁵	200	120

¹Reduce by 100 feet (30 480mm) for dead-end streets or roads.

²Where streets are provided with median dividers which can be crossed by firefighters pulling hose lines, or arterial streets are provided with four or more traffic lanes and have a traffic count of more than 30,000 vehicles per day, hydrant spacing shall average 500 feet (152.4 m) on each side of the street and be arranged on an alternating basis up to a fire-flow requirement of 7,000 gallons per minute (26 495 L/min.) and 400 feet (122 m) for higher fire-flow requirements.

³Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at spacing not to exceed 1,000 feet (305 m) to provide for transportation hazards.

⁴Reduce by 50 feet (15 250 mm) for dead-end streets or roads

⁵One hydrant for each 1,000 gallons per minute (3785 L/min.) or fraction thereof.

Existing fire hydrants: Existing fire hydrants on public streets are allowed to be considered as available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads.

Hydrant spacing: The average spacing between fire hydrants shall not exceed that listed in Table C105.1. Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within the distances listed in Table C105.1 (see **Table C105.1**).

- *Exception:* The fire chief is authorized to accept a deficiency of up to 10% where existing fire hydrants provide all or a portion of the required fire hydrant service.

Fire Hydrant Signs

S509.1 Identification: It shall be the responsibility of the property owner to provide and install approved hydrant signs in newly developed office, industrial, commercial and all other areas when required by the fire code official to indicate the location of all required on-site hydrants.

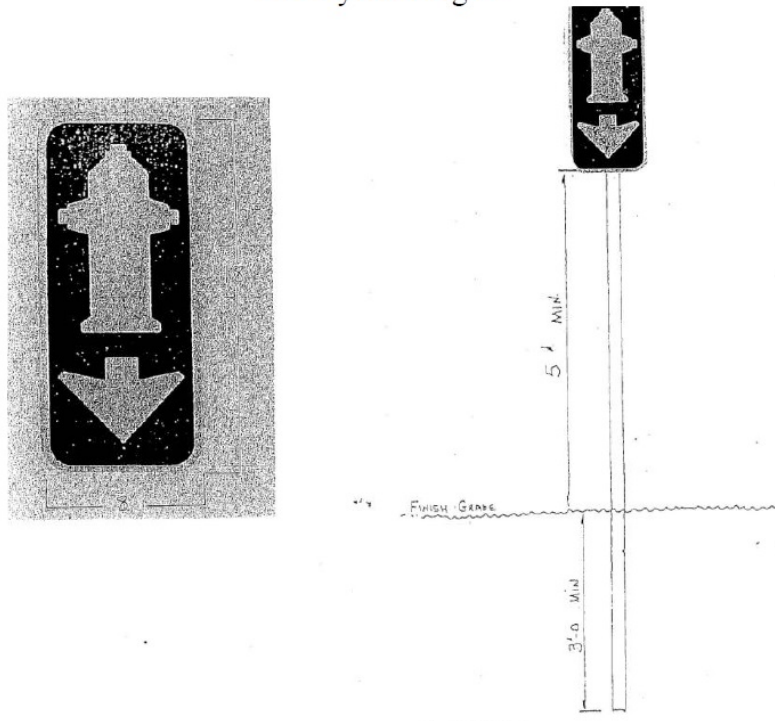
- Hydrant signs shall be of an approved type as adopted by the fire code official and shall be mounted on a minimum 9-foot green commercial sign post. The sign and post shall be located no closer than 3 feet to the rear of the hydrant. Signs on either side of the post

maybe required to allow more visibility coming from any direction in parking lots, streets or private drives.

- The fire hydrant sign shall be 18 inches long and 8 inches wide. The sign shall be of a white fire hydrant with a white arrow pointing down on red background. The sign shall be installed so that it is 5 feet from finish grade to the bottom edge of the sign (see **Figure 7**).
- Coordinate with the Fire Code Official on the correct sign, post, location and direction prior to installation.

Figure 7

Fire Hydrant Signs



Fire Protection Systems and Equipment

S901.2 Construction documents: Sprinkler plans and water calculations shall be submitted electronically to the building and fire departments for review and approval prior to installation.

S901.4 Installation: All control, drain, test and alarm valves shall be provided with identification signs of standard design adopted by the automatic sprinkler industry. The test

valve shall not be located more than 7 feet above the floor and readily accessible with discharge outlets.

- A name plate shall be installed on the riser giving information on calculations.
- The two-inch drain pipe shall drain to the outside at a point where it will cause no water damage. If difficult to comply, then the drain connections shall be sized to carry the water from open drains while discharging under normal water pressure.
- There shall be a pressure gauge located at each hose connection and at the top of all standpipe(s).
- There shall be a 2½ inch to 1½ inch reducer on all hose connections with NH threads for all standpipe(s).
- All new and existing fire protection systems shall have a placard located above the required fire department connection. The placard shall advise fire department personnel as to the level and location of the coverage of the fire department system within the building. The placard shall be provided by the fire department fire prevention bureau.
- Dry sprinklers shall be installed and connected to wet pipe sprinkler systems in areas subject to freezing temperatures. Sprinklers of sufficient length shall be used to avoid freezing of the water filled pipes and the clearance space around the sprinkler barrel shall be sealed.
- Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department. The signs shall be permanently installed and readily visible.

S901.5 Installation acceptance testing: All tests to the system shall be witnessed by the fire code official and/or the mechanical/plumbing inspector.

- The fire sprinkler system is required to be tested at least annual by a fire sprinkler contractor. Owner is responsible to provide documentation of test to the Delta Township Fire Department Fire Prevention Bureau.

S903.3.7 Fire department connections: The sprinkler/standpipe fire department connection shall be located on the side of the building fronting the street or parking lot. A fire hydrant shall be located within 100 feet of the fire department connection. The distance must be a direct path for the apparatus.

- *Exception:* The fire department connection may be located on any side of the building that is provided with a fire lane and adequate water supply.
- The fire department connection shall not be installed less than 18 inches and nor more than 4 feet above the finished grade. Fire department sprinkler/standpipe connection(s) shall be placarded, i.e. sprinkler or standpipe connection (see **Figure 8**).
- The underground fire protection line into the building shall be equipped with a Yard Post Indicator Valve (YPIV) or Wall Post Indicator Valve (WPIV). The YPIV shall be located a minimum of 40 feet from the building (see Figure 8).
 - *Exception:* The YPIV may be closer, provided it is installed near the corner of the structure or otherwise protected from structural collapse.

Figure 8
Standpipe Systems

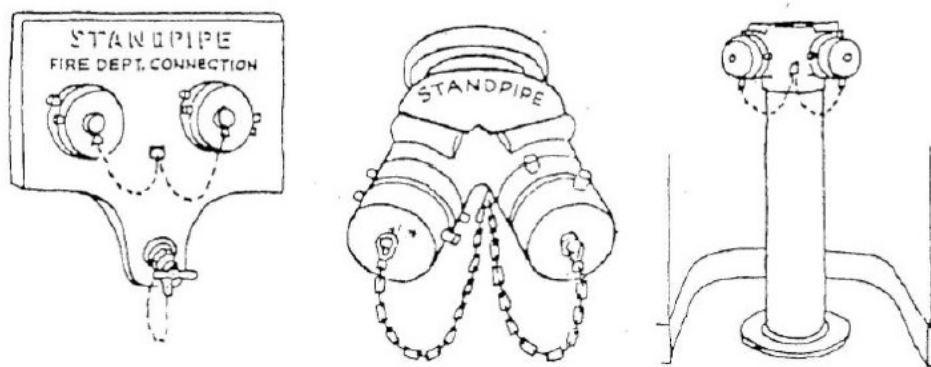
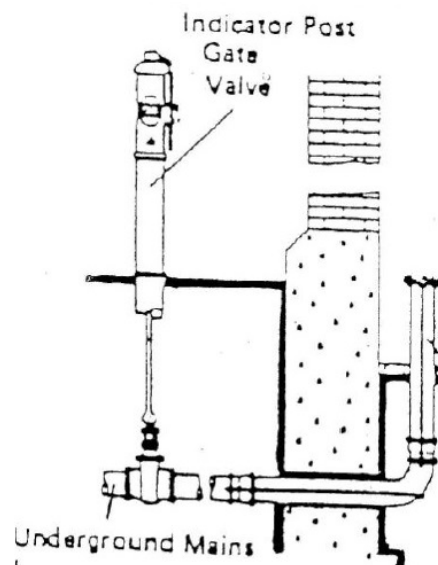


Figure 9
Indicator Post Gate Valve



S903.4 Sprinkler system supervision and alarms: In multi-tenant commercial buildings, water control valves shall be provided in each individual space. A flow switch shall be provided in each individual tenant space. Connected to the flow switch shall be a visible alarm device in an approved location on the front of the building for each and every tenant space.

- Yard or Post PIV's shall be electronically supervised and monitored by a fire alarm company.
- All interior and exterior valves controlling water supply for the automatic sprinkler system shall be electronically supervised, monitored, and chained and/or padlocked to prevent tampering as approved by the fire code official. A key shall be supplied to the fire department for the Knox box system.
- All water control valves shall transmit a supervisory signal when the valve is in any position other than OPEN.
- All flow and/or pressure switches shall be electronically supervised and monitored by a fire alarm company. Any movement of water in the system shall transmit an alarm signal.

S903.4.2 Alarms: There shall be approved visible and audible alarm(s) installed directly above the fire department sprinkler connection. The audible alarm shall be a 10-inch bell. The visual alarm shall be a flashing, rotating or oscillating red light (no strobes). The audible and visual alarm shall both be installed a minimum of 12 feet high, or as approved by the fire code official. When the fire department sprinkler connection is not located on the side of the building fronting the street, there shall be a second red flashing, rotating or oscillating light installed on the front of the building.

- There shall be a separate red flashing, rotating, or oscillating light for each system or riser. Each light shall be numbered to correspond with the riser number.

Portable Fire Extinguishers

O906.2 General Requirements: Fire extinguishers shall be selected, installed and maintained in accordance with this section and NFPA 10, or as may be required by the fire code official.

O906.3 **Size and distribution:** Exceptions - Occupancy classifications Group A divisions 1-5; Group B; Group M and Group R divisions 1-4 shall be as follows:

- Portable fire extinguisher(s) in occupancies not equipped with automatic fire protection systems shall have a minimum rating of 4A-60BC (10 pound, multi-purpose) or equivalent with the maximum travel distance not to exceed 50 feet in any direction to an extinguisher.
- Portable fire extinguisher(s) in occupancies equipped with automatic fire protection systems shall have a minimum rating of 4A-60BC (10 pound, multi-purpose) with the maximum travel distance not to exceed 75 feet in any direction to an extinguisher.

O906.9. **Extinguisher installation:** Portable fire extinguishers having a gross weight not exceeding 40 pounds shall be installed so that its top is five feet above the floor. Hand-held portable fire extinguishers having a gross weight exceeding 40 pounds shall be installed so that its top is not more than 3½ feet above the floor. The clearance between the floor and the bottom of the installed hand-held extinguishers shall not be less than four inches.

Fire Alarm and Detection Systems

S907.2 **Where required-new buildings and structures:** A manual fire alarm box shall be installed within 5 feet of the main entrance for each space.

O907.3.1 **Duct smoke detectors:** Smoke detectors installed in ducts shall be listed for the air velocity, temperature, and humidity present in the duct. Duct smoke detectors shall be connected to the building's fire alarm control unit where a fire alarm is required by Section 907.2. Duct smoke detectors connected to the fire alarm control unit shall be a "smart" type detector capable of sending condition information and being reset from the fire alarm panel. Detectors shall, upon activation, perform the intended function and activate the alarm notification appliances or activate a visible and audible full alarm signal at a constantly attended location and shall perform the intended fire safety function in accordance with this code and the International Mechanical Code. Duct smoke detectors shall not be used as a substitute for required open area detection.

- Exceptions:
 1. The supervisory signal at a constantly attended location is not required where duct smoke detectors activate the building's alarm notification appliances.
 2. In occupancies not required to be equipped with a fire alarm system, actuation of a smoke detector shall activate a visible and an audible signal in an approved location. Smoke detector trouble conditions shall activate a visible or audible signal in an approved location and shall be identified as air duct detector trouble.

S907.4.2.5 **Protective covers:** Protective covers to prevent malicious false alarms are *required* for all new and remodel construction unless specifically authorized by the fire code official.

S907.6 **Installation:** The audience for the audible and visual alarm activation shall be all suites and/or tenants within the same fire rated wall as the initiated alarm, including but not limited to water flow, duct, and detectors per NFPA 72.

O907.6.5 **Monitoring:** An IP transmitter for fire alarm transmission is allowed but must be UL Standard listed. Any IP transmitters must have two modes of communication, one of which must be a POTS (Plain Old Telephone System) line.

Emergency Egress Lighting

O1006.3 **Illumination emergency power:** The emergency egress lighting shall be tested in dark conditions and witnessed by both the Delta Township Electrical Inspector and/or the Fire Code Official.

Explosives and Fireworks

5601.1 **Scope:** The sale, display, storage, transportation, or distribution of fireworks shall comply with the provisions of the Michigan Fireworks Safety Act, Public Act 256 of 2011, and MCL 28.451 et seq. Nothing in this section shall modify generally applicable township ordinances, including, without limitation, those regulating vendors, peddlers, transient merchants, solicitors, and hucksters.

October 31, 2013

To: Delta Charter Township Board

From: Mark Graham, Community Development Department

Subject: Final Consideration of Case No. 8-13-16, Zoning Ordinance Amendments
Pertaining to Wild Animals, Livestock & Household Pets

Chronology

August 19, 2013 Nicole Schuiling filed an application to amend the text of the Delta Township Zoning Ordinance being Case No. 8-13-6. The amendments pertained to wild animals, livestock & household pets.

September 3, 2013 The Township Board referred Case No. 8-13-6 to the Planning Commission for the purpose of conducting a public hearing & providing a recommendation.

October 14, 2013 The Planning Commission held a public hearing on Case No. 8-13-6. The Commission voted 7-0 to recommend denial of the proposed amendments. The Commission unanimously passed an optional motion recommending that the Township's Code of Ordinances be amended to permit miniature pigs via a licensing procedure.

October 21, 2013 The Township Board introduced Case No. 8-13-6 and tentatively set a date of November 4, 2013 for final action on the proposed ordinance amendments.

November 4, 2013 The Township Board is scheduled to take final action on Case No. 8-13-6.

Attachments

- Staff Report dated September 23, 2013 regarding Case No. 8-13-16. The staff report contains the amendments as submitted by Nicole Schuiling with staff comments. The staff report contains an alternative option to regulate miniature pigs as well as 11 appendices.

- Summary Record of the Planning Commission Public Hearing regarding Case No. 8-13-16.

Proposed Motion regarding Case No. 8-13-6

As recommended by the Delta Township Planning Commission:

“I move that the Delta Township Board deny the Zoning Ordinance Text Amendments (Case No. 8-13-6) requested by Nicole Schuiling pertaining to pets, livestock and wild animals for the following reasons:

- 1. The proposed text amendments as written would classify almost any type of animal as a companion animal and would therefore allow a wide range of pets within residential zoning districts. These animals could have characteristics which would negatively impact the peace, health and safety of residential areas.**
- 2. The proposed definitions could be difficult for the public to interpret and the Zoning Administrator to enforce.”**

**OPTIONAL MOTION PASSED BY THE PLANNING COMMISSION
FOR THE TOWNSHIP BOARD'S CONSIDERATION**

At the October 14, 2013 Planning Commission meeting unanimously passed a motion recommending that the Township Board initiate amendments to the Township Zoning Ordinance pertaining to miniature pigs. The optional Miniature Pig amendments are found in Mr. Gruba's October 14, 2013 staff report. In the opinion of staff, the Township Board has the following options regarding the Planning Commission's secondary recommendation:

Option 1

Do Nothing

Option 2

"I move that the Delta Township Board acknowledge receipt of the Planning Commission's alternative motion of October 14, 2013 recommending zoning ordinance amendments pertaining to miniature pigs. Further, the Board hereby requests that staff proceed to initiate the zoning ordinance amendments recommended by the Planning Commission regarding miniature pigs."

Option 3

"I move that the Delta Township Board acknowledge receipt of the Planning Commission's alternative motion of October 14, 2013 recommending zoning ordinance amendments pertaining to miniature pigs. However, the Board does not support initiating amendments to the Zoning Ordinance regarding miniature pigs at this time."

Summary Record of Public Hearing for Case No. 8-13-16, Proposed Zoning Ordinance Amendments pertaining to Pets, Livestock and Wild Animals.

Members in attendance: Schweitzer, Cascarilla, Laforet, Lathrop, MacLaren, McConnell, and Mudry.

Members absent: Gabriel & Ruswinckel.

Assistant Planner Chris Gruba provided the Commission with a review of the request by noting that on August 19, 2013, Nicole Schuiling submitted an application for Zoning Ordinance Text Amendments pertaining to pets, livestock, and wild animals. She filed the application after the Zoning Board of Appeals upheld the Township's Zoning Administrator's interpretation that the Zoning Ordinance defined pot belly pigs as livestock and that Ms. Schuiling would not be permitted to keep her pot belly pig on her residentially zoned property as a pet. Mr. Gruba pointed out that the text amendments included changes to the definitions of pets, livestock, and wild animals, as well as amendments to Section 3.17.0, the keeping of animals. He noted that the staff report provided extensive research staff had conducted regarding pets and exotic animals and the fact that the only municipality in the State that staff had found that governed pot belly pigs was the City of Midland. It was noted that the staff report offered recommendations for approval or denial of the proposed ordinance language, as well as an option for a pot belly pig ordinance staff had drafted that was a combination of the City of Midland's ordinance and an ordinance that was adopted in Riverside, California. Mr. Gruba indicated that staff had drafted a separate pot belly pig ordinance due to concerns with administering and enforcement of the proposed language and staff felt that if amendments were made to the Zoning Ordinance to allow pot belly pigs, the proposed ordinance would be more enforceable.

Mr. McConnell understood staff as saying that the Planning Commission could recommend approval or denial of the proposed text amendments to the Zoning Ordinance and act separately on proposed ordinance language pertaining to miniature pigs.

Mark Graham, Community Development Director, felt this case was somewhat different in that the Commission would be recommending approval or denial of a proposed text amendment that had been sponsored by an individual party instead of the Township. He said a recommendation for approval of the proposed text amendments would be forwarded to the Township Board for final action, but if a recommendation was made for denial, staff wanted to offer the option of recommending amendments to the Code of Ordinances that would specifically allow pot belly pigs.

Mr. Schweitzer asked if the applicant wanted to speak on this matter.

Nicole Schuiling, 4513 Cranberry Ct., asked the Commission if they had read through the materials that had been provided to them in their packet of information. Ms. Schuiling also noted that she didn't have anything to add at this time.

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Mr. Schweitzer informed Ms. Schuiling that the Commission had been provided with several documents that they had had sufficient time to review.

Ms. Laforet asked if Ms. Schuiling had any objections with the Commission recommending denial of her application to amend the Zoning Ordinance and recommending approval of staff's proposal for Code of Ordinance amendments that specifically addressed pot belly pigs.

Ms. Schuiling said she didn't have any objections to approving the Code of Ordinance amendments recommended by staff and that her main goal was to be able to keep her pet pot belly big.

Ms. Cascarilla inquired about the keeping of pot belly pigs.

Ms. Schuiling said the keeping of pot belly pigs was very similar to caring for a pet dog and that pot belly pigs were not treated as livestock as people would think. She indicated that pot belly pigs were clean animals and that her pet was neutered. Ms. Schuiling noted that someone else was caring for her pot belly pig at the present time and that it had been very hard on her family to get rid of their pet.

Ms. Laforet said as a member of the Zoning Board of Appeals, she had learned a lot about pot belly pigs. She noted that after researching this matter further, she had found that while technically pot belly pigs were considered swine, they were only bred for domestic use.

Ms. Schuiling noted that pot belly pigs were smart animals that bonded with their families and they became very attached to their owners.

Ms. Laforet said during the Zoning Board of Appeals discussion on this matter, it was realized that there would not only be an issue with pot belly pigs, but that service animals would also become an issue at some point in time which was why the Zoning Board of Appeals felt it was necessary to send this matter to the Township Board for their consideration of possibly amending the Zoning Ordinance to allow pot belly pigs. Ms. Laforet noted that the Township Board chose not to amend the definition of household pets in the Zoning Ordinance and subsequently, Ms. Schuiling submitted an application to amend the text of the Zoning Ordinance. Ms. Laforet felt having an all inclusive ordinance would be much more thorough so that this matter wouldn't have to be readdressed.

Gary Bozek, Assistant Community Development Director, pointed out that the Code of Ordinance amendments staff had proposed would only address pot belly pigs.

Mr. McConnell asked the applicant why someone would choose a pot belly pig as a pet.

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Ms. Schuiling said several years ago, her son wanted a pot belly pig; she had researched the animal and found that they made really good pets. She said that she had spoken to people who owned pot belly pigs and was told that once you owned a pot belly pig, you would always own one because they were very intelligent animals that bonded well with their owner.

Mr. McConnell inquired about Ms. Schuiling's neighbors and their perspective on pot belly pigs.

Ms. Schuiling said it was her goal to have all of her neighbors attend this evening's meeting because they were all very supportive of her.

Mr. Mudry said he had realized that he and his neighbor were in violation of the Zoning Ordinance because his neighbor used to have a pot belly pig and his daughter had a house rabbit. Mr. Mudry said during his research on this matter, he had contacted his neighbor to inquire whether or not they would recommend a pot belly pig as a pet and they informed him that they needed a lot of love and care and that they had made the mistake of not getting their pig neutered. Mr. Mudry noted that he had also contacted veterinarians on this issue and they were adamant that pot belly pigs needed to be neutered in order to eliminate any aggressiveness as they got older. He was also informed by the veterinarian that he had never experienced a case of Mersa involving swine. However, he noted that the veterinarian had recommended that a 120 pound pig was too large and that they recommended a weight limitation of 60 to 70 pounds mainly because the animal would be easier to catch if it got loose. Mr. Mudry said he was also informed by the veterinarian that the popularity of pot belly pigs was dwindling except for in the agricultural zoned areas.

MOTION BY MCCONNELL, SECONDED BY MUDRY, THAT THE PUBLIC HEARING BE CLOSED. VOICE VOTE. CARRIED 7-0.

MOTION BY MCCONNELL, SECONDED BY LATHROP, THAT THE DELTA TOWNSHIP PLANNING COMMISSION RECOMMEND DENIAL OF THE ZONING ORDINANCE TEXT AMENDMENTS REQUESTED BY NICOLE SCHUILING REGARDING PETS, LIVESTOCK AND WILD ANIMALS FOR THE FOLLOWING REASONS:

- 1. THE PROPOSED TEXT AMENDMENTS, AS WRITTEN, WOULD CLASSIFY ALMOST ANY TYPE OF ANIMAL AS A COMPANION ANIMAL AND WOULD THEREFORE ALLOW A WIDE RANGE OF PETS WITHIN RESIDENTIAL ZONING DISTRICTS. THESE ANIMALS COULD HAVE CHARACTERISTICS WHICH WOULD NEGATIVELY IMPACT THE PEACE, HEALTH, AND SAFETY OF RESIDENTIAL AREAS.**

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**2. THE PROPOSED DEFINITIONS COULD BE DIFFICULT FOR THE PUBLIC
TO INTERPRET AND THE ZONING ADMINISTRATOR TO ENFORCE.**

ROLL CALL VOTE. CARRIED 7-0.

Mr. McConnell questioned how the Township would monitor a given weight limit.

Mr. Gruba said weight limits would be monitored annually in conjunction with the licensing of the animal when examined by a veterinarian.

Mr. Lathrop questioned if the County regulated the weight of dogs.

Mr. Gruba said the weight of dogs was not regulated.

Mr. MacLaren questioned how the City of Midland came up with the 120 pound weight limit that was contained in their ordinance and why the size of the animal was based on weight. Mr. MacLaren indicated that he would be more comfortable specifying a height limitation.

It was noted that the recommended weight was provided by the Pot Belly Pig Association.

Mr. Graham mentioned that staff had found an ordinance that made reference to the height of a pig. He expressed concerns with having to enforce a specified weight limit. Mr. Graham noted the possibility of having to inform an owner from year to year that they may need to get rid of their pet if it exceeded the weight limitation during their annual licensing exam. He said several of the ordinances he had read stipulated that the pig shall not exceed 120 pounds at maturity.

Ms. Schuiling noted that a pig reached maturity at two years of age.

Mr. Graham said he was concerned about lowering the weight limitation to 60 or 70 pounds and that he would feel more comfortable with the 120 pound standard and he noted that the Zoning Ordinance could be amended if it became a problem.

Ms. Laforet said she agreed with Mr. Graham that placing a weight restriction lower than 120 pounds would necessitate the Township having to revisit this issue again. She questioned how much an average pig weighed.

Ms. Schuiling said it depended on the breed of the pig and that there were several different breeds similar to dogs. However, she noted that most pot belly pigs usually weighed between 70 to 75 pounds at two years of age.

Ms. Cascarilla said she wanted to clarify the distinction between miniature pigs and pot belly

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pigs.

Mr. Mudry said everything that he had read stated that miniature pigs was a misnomer because there was a large weight difference within the classifications, but that they were now being called mini-pigs which was a smaller breed.

Mr. Gruba said there was no difference between a family genus species of pot belly pigs as a regular pig and that it was the same thing and that it was just the type of breed. However, he noted that staff couldn't draft an ordinance that included the term "genus class species" and still be able to regulate it.

Mr. Graham said he would also like to recommend that the ordinance mandate the removal of tusks from male pigs over the age of two years.

Ms. Schuiling noted that pigs that are neutered did not grow tusks. However, the possibility exists that someone could bring an older unneutered pig in the Township which could grow tusks.

Mr. Graham said in order for the Code of Ordinance to be user friendly, he would like to recommend that a reference be placed in the Zoning Ordinance informing the reader that there are miniature pig regulations in another ordinance. Mr. Graham also recommended that the proposed Code of Ordinance amendments be reviewed by the Township Attorney.

Mr. McConnell questioned if staff would deal with other species of animals incrementally as they surfaced and develop language for those specific animals.

Mr. Graham said he wanted to publically thank Ms. Schuiling for going the extra step and attempting to include other animals in her proposed Zoning Ordinance language such as companion animals, support animals, and all of the issues that had arisen over the past several months. He noted that staff was taking a far easier approach and not addressing all of the issues but instead they recommended focusing our efforts on Ms. Schuiling's particular situation. He noted that staff needed more time at this point and he felt it would be better to address some of these issues when they arise on a case by case basis. Mr. Graham didn't feel that therapy animals would be a major issue because service animals were allowed in the home, but he noted that one of the concerns he had was with miniature horses and that more people were adopting miniature horses as service animals because they lived a lot longer than dogs. Mr. Graham noted that he was concerned about the clause that would limit a homeowner to a combination of three pets.

Discussion took place regarding the regulation of animals and the fact that cats were not regulated and that people could have as many as they wanted.

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Mr. Schweitzer said he was in favor of the proposed Code of Ordinance amendments and he was looking forward to the fact that the Commission was going to be charged with working on the Zoning Ordinance and could address other animals in the future.

Mr. Graham reminded Commissioners that monies have been budgeted next year to perform a review of the Zoning Ordinance and that hopefully these other issues could be addressed at that time.

MOTION BY MACLAREN, SECONDED BY MCCONNELL, THAT THE DELTA TOWNSHIP PLANNING COMMISSION RECOMMEND APPROVAL OF THE CODE OF ORDINANCE TEXT AMENDMENTS DRAFTED BY STAFF REGARDING POT BELLY PIGS AS FOLLOWS:

**Chapter 43
Miniature Pigs
Article I. In General**

Section 43-1. Definitions

“Miniature pig” means a domesticated miniature Vietnamese, Chinese or Asian pot-belly pig not exceeding a weight of **120** pounds at maturity.

Section 43-2. General Regulations

- a. Miniature pigs may be kept or housed on a non-commercial basis only in the NR, A1, A2, RA, RB and RC Zoning Districts.
- b. A miniature pig shall reside in the residence of the owner as a pet and shall not be kept outdoors with exception of periods for exercise and for elimination of waste. It shall be unlawful for the owner of any miniature pig to permit such animal to run at large. Any miniature pig shall be deemed to be running at large unless on a leash, under control of an accompanying person or confined within a motor vehicle, building, fence, or other enclosure of sufficient construction so as to prevent the miniature pig from escaping.
- c. It shall be unlawful for any person to maintain more than one miniature pig at one licensed premises. All locations where miniature pigs are kept shall be maintained in a clean and sanitary condition.
- d. It shall be unlawful for any person to maintain a miniature pig, which is:
 1. Not spayed or neutered upon reaching maturity
 2. Has not undergone a blood test to show the animal is free from pseudorabies.
 3. Maintained as a food source
 4. A male pig two years of age or older which hasn't had his tusks removed

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Article II. License

Section 43-3. License Required

- a. All miniature pigs kept within the Township shall be licensed annually by the Delta Township Clerk within seven (7) days of the time the animal is taken to its place of residence. Said license shall apply to a specific miniature pig, the person responsible for harboring the miniature pig, and the specific premises where the miniature pig is kept. Said miniature pig license shall not be transferrable from one animal to another, from one person to another, or from one premises to another. Application and renewal for licensure shall include all of the following:
 - ii. A current health certificate from a licensed veterinarian which attests to the weight and general health of the animal.
 - iii. Payment of an annual fee as adopted by the Township Board.
 - iv. A miniature pig license shall continue to be valid until such time as:
 - 1. The annual renewal fee is not timely paid in accord with the license application.
 - 2. A current health certificate from a licensed veterinarian is not provided upon renewal.
 - 3. The miniature pig exceeds a weight of 120 pounds.
 - 4. The miniature pig is no longer maintained at the licensed location.
 - 5. The licensee no longer resides at the location stated in the license.
 - 6. The license is revoked.
- b. The Township Clerk may suspend or revoke any license once granted, or deny annual renewal thereof, when any provisions of this article have been violated. Prior to suspension or revocation of any license, or upon denial of an application or renewal thereof, written notice for such action shall be given to the owner of the miniature pig.
- c. The person aggrieved by the suspension of the license shall have the right to a hearing before the Township Board, provided that a written request thereof is filed with the Township Clerk within five days of the receipt of the notice of license suspension. The hearing shall be conducted by the Township Board within thirty days of receipt of the written request.

ROLL CALL VOTE. CARRIED 7-0.

Respectfully submitted,

Kim Laforet, Secretary

Minutes prepared by Anne Swink

DELTA TOWNSHIP PLANNING DEPARTMENT STAFF REPORT

ZONING ORDINANCE TEXT AMENDMENTS REGARDING PETS, LIVESTOCK AND WILD ANIMALS

PREPARED BY: Christopher Gruba, Planner
CASE NUMBER: 8-13-16
DATE: October 14, 2013

GENERAL INFORMATION

APPLICANT: Nicole Schuiling
4513 Cranberry Court
Lansing, MI 48917

REQUESTED ACTION: Request a Zoning Ordinance Text Amendment
regarding pets, livestock and wild animals.

On August 19, 2013, Nicole Schuiling submitted an application for a Zoning Ordinance Text Amendment that addresses language regarding pets, livestock and wild animals.

STAFF ANALYSIS – PROPOSED ZONING ORDINANCE TEXT AMENDMENT

The proposed Zoning Ordinance Text Amendment can be divided into two parts; changes and additions to the definitions section being section 2.2.0, and proposed changes to section 3.17.0 regarding the “keeping of animals”. Staff has reviewed each of the proposed changes and has offered an overview and comments. Proposed language is in italics.

EXISTING DEFINITION: (LIVESTOCK)

Animals including, but not limited to, horses, cattle, sheep, goats, swine, poultry and rabbits.

PROPOSED DEFINITION: (LIVESTOCK)

Any hooved animal (except domestic miniature pet pigs), any species of poultry or fowl, or any animal raised or kept for commercial purposes or to produce commodities such as food production, breeding, fiber, riding purposes, exhibition or sale.

Staff Comments:

The proposed “*hooved animal*” language would apply to horses, cattle, sheep, goats and swine, therefore covering the animals listed as livestock in the current definition. The

proposed “*any species of poultry or fowl*” is also redundant of the current definition. However, the proposed definition of livestock would not specifically include rabbits, unless they were used for “*food production or breeding*”. From an enforcement perspective, it would be difficult to prove that a rabbit or rabbits were being kept as pets and not for slaughter. Currently, rabbits are not permitted as pets within any residentially-zoned property. It is much easier to prove the existence of a rabbit on residential property than it is to prove why it’s being kept. Staff believes that the proposed “*or any animal raised or kept for commercial purposes or to produce commodities such as food production, breeding, fiber, riding purposes, exhibition or sale*” language could be difficult to enforce. The most important aspect of this change seems to be a more lenient or ambiguous attitude toward keeping rabbits.

EXISTING DEFINITION: (WILD ANIMAL)

Any animal not domesticated by humans or any animal which a person is prohibited from possessing by law. Wild animals shall include, but shall not be limited to, the following: Alligator (family), deer (family), opossum (family), badger, dog (wild family), primate excluding humans (family), bear, dog-wolf, raccoon, ferret, skunk, cat (wild family), lemur, spider (poisonous), coyote, lizard (poisonous), weasel (family), marten.

PROPOSED DEFINITION: (WILD ANIMAL)

Any animal, bird, reptile, insect or other creature not domesticated by humans and has normally existed in a natural environment wherein it hunts and/or gathers its food whether or not raised or kept in captivity or any animal that is poisonous, has the potential to cause bodily harm or property damage, or any animal which a person is prohibited from possessing by law.

Staff Comments:

In staff’s opinion, the proposed language would necessitate that the Zoning Administrator make a determination as to whether an animal is a “wild animal” based on whether it has been domesticated, food gathering, toxicity, danger to people and if there is a law prohibiting its possession. The existing “Wild Animal” definition may be flawed but it is much easier to administer.

PROPOSED NEW DEFINITIONS BY THE APPLICANT:

Domestic House Pet or Companion Animal: *A domesticated animal that has been developed to live in and about the habitation of humans, is trained, is dependent on humans for food and shelter and is kept for pleasure, support or therapy rather than utility or commercial purposes which is normally kept within a residence as part of the family household, or within the limits of a residential property, whether fenced or not, or which may temporarily be tethered out of doors, or which may be walked off the residential property when leased.*

Domestic Caged Pet: *A small domesticated animal that is dependent on humans for food and is kept for pleasure, support or therapy rather than utility or commercial purposes which is usually confined in a suitable cage or tank.*

Staff Comments:

The Zoning Administrator presently has a problem in administering the Zoning Ordinance because of a conflict between the terms “livestock” and “household pets”. Livestock is not a permitted use in residential zoning districts and livestock is defined as including “horses, cattle, sheep, goats, swine, poultry & rabbits”. Section 3.17.0 A of the ordinance permits household pets “including dogs, cats, fish, birds, hamsters and other animals generally regarded as household pets are permitted as an accessory use in any agricultural or residential district”. The Zoning Administrator has determined that a miniature pig is swine which is livestock which is not permitted in a residential district and the pig’s owner has argued that the pig is a household pet and is permitted.

The proposed definitions would address the miniature pig conflict because the definition of livestock specifically excludes miniature pigs. However, there are a number of animals that could still create problems for the Zoning Administrator. The Zoning Administrator is of the opinion that the following animals are not permitted in residential districts because they fall under the definition of livestock: miniature horse, goat, chickens. However, the owners of these animals could argue that these animals are domestic house pets or companion animals and thus are permitted in which case we’re back to the conflict that the Zoning Administrator is presently facing. Further, The Zoning Administrator must recognize section 1.3.0 A of the Ordinance which reads: “Where any condition imposed by any provision of this ordinance upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision of any ordinance adopted under any other law, the provision which is more restrictive or which imposes the higher standard or requirement shall govern. In the “instant” case above the Zoning Administrator is of the opinion that he would have to determine that the miniature horse, goat & chickens constitute livestock and are not permitted.

In the opinion of the Zoning Administrator the conflict between “livestock” and “household pets” could be addressed by adding a paragraph 4 to the proposed section 3.17.0 (Household pets) which would read: “Household pets shall not include livestock and wild animals as defined by this ordinance”. However, such a clause would prohibit miniature horses as therapy animals, and goats, ferrets, skunks, chickens/geese, etc. as pleasure/support animals in residential districts. Such animals would be permitted in single family homes in agricultural zoning districts.

Domestic Miniature Pet Pig: *A breed of pig meeting the standards established by the North American Potbelly Pig Association, does not exceed a weight of 120 pounds at maturity, and is kept within a residence as part of the family household.*

Staff Comments:

- What are the standards of the North American Potbelly Pig Association? What if this association ceases to exist? What if the association changes its standards, what standards would apply?
- What is maturity for a pot-belly pig? Would a certification of weight of the animal by a veterinarian be required at the time of maturity?
- At maturity, does the Township attempt to remove the pig from the home if it exceeds 120 pounds?

EXISTING ORDINANCE LANGUAGE: (Keeping of Animals section 3.17.0)

A. Household Pets:

- 1) The keeping of household pets, including dogs, cats, fish, birds, hamsters and other animals generally regarded as household pets are permitted as an accessory use in any agricultural or residential district.
- 2) Except for single family dwellings in the NR and A1 Districts, no more than three (3) dogs, six months of age or older, shall be kept or housed in or at one (1) dwelling unit.

PROPOSED ORDINANCE LANGUAGE: (Keeping of Animals section 3.17.0)

A. *Household Pets:*

- 1) *The keeping of domestic house pets, companion animals, and domestic caged pets, are permitted as an accessory use in any agricultural or residential zoning district.*
- 2) *Except for single family dwellings in the NR and A1 Districts, no more than three (3) domestic house pets, six months of age or older, shall be kept or housed in or at one (1) dwelling unit.*
- 3) *All domestic miniature pet pigs shall be licensed annually by the Township Clerk Delta Township within seven (7) days of the time the animal is taken to its place of residence. Said license shall apply to a specific miniature pig, the person responsible for harboring the miniature pig, and the specific premises where the miniature pig is kept. Said miniature pig license shall not be transferrable from one animal to another, from one person to another, or from one premises to another. Application and renewal for licensure shall include all of the following:*
 - a) *A current health certificate from a licensed veterinarian which attests to the weight and general health of the animal.*
 - b) *Payment of an annual fee of \$25.00.*

Staff Comments:

The proposed paragraph #1 utilizes the three new proposed definitions of “domestic house pet”, “companion animal” and “domestic caged pets”. Staff has noted several concerns related to these definitions.

The proposed paragraph #2 has largely remained the same, except that “dogs” has been replaced with “domestic house pets”. The term “domestic house pets” includes a wide variety of animals and would limit the total number of animals to three which the present ordinance doesn’t do. Homeowners are presently limited to 3 dogs but there are no limitations on the number of other pets such as cats, hamsters, parakeets, etc. Thus, the Zoning Administrator will be responsible for conducting an animal “census” at a property when a complaint is received.

The proposed paragraph #3 is entirely related to miniature pigs. If the Planning Commission and Township Board decide to permit miniature pigs as pets, staff recommends that amendments be made to the Township Code of Ordinance which follow.

Staff has raised several concerns regarding the proposed definitions of “domestic house pet or companion animal” and “domestic caged pet” and would not recommend their adoption until the issues are addressed.

ALTERNATIVE OPTION TO REGULATE MINIATURE PIGS

The proposed zoning ordinance amendments submitted by Nicole Schuiling apply to a wide variety of animals and pets. Staff is concerned that the proposed amendments could be difficult for the public to interpret, create challenges for the Zoning Administrator, and result in problems such as limiting the number of cats & dogs in a household to a total of three.

Staff suggests that if Township officials wish to permit miniature pigs in residential districts that the existing definition of livestock be amended to read as follows: “Livestock: Animals including, but not limited to, horses, cattle, sheep, goats, swine (except miniature pet pigs), poultry and rabbits”. In addition, staff suggests that if Township officials want to permit miniature pigs that you consider adoption of licensing regulations similar to those adopted by the City of Midland, Michigan.

Staff offers the following comments regarding miniature pet pig regulations:

1. Delta Township already provides specific regulations for other animals such as dogs & horses. Dogs are limited to 3 per household and a license is required. Horses are permitted only in agricultural zoning districts and are limited to one

- horse per acre. Thus, establishing specific regulations for miniature pigs is not unprecedented.
2. In the past when a licensing procedure is established the regulations appear in the Township's Code of Ordinances, **not** the Zoning Ordinance. Licenses are required for vending and carnivals and the regulations are provided in the Code of Ordinances. Zoning regulations are subject to referendums and variances, a licensing ordinance in the Code of Ordinances wouldn't be subject to referendums and variances.
 3. The proposed regulations which follow would be included in the Code of Ordinances. Staff recommends that a "cross reference" be provided in the Zoning Ordinance referring the reader to the Code of Ordinances for miniature pet pig regulations.
 4. The proposed regulations have not been reviewed by the Township Attorney which is standard practice prior to adoption.

Staff offers the following Option which would amend the Township's Code of Ordinances:

Chapter 43
Miniature Pigs
Article I. In General

Section 43-1. Definitions

"Miniature pig" means a domesticated miniature Vietnamese, Chinese or Asian pot-belly pig not exceeding a weight of **120** pounds at maturity.

Section 43-2. General Regulations

- a. Miniature pigs may be kept or housed on a non-commercial basis only in the NR, A1, A2, RA, RB and RC Zoning Districts.
- b. A miniature pig shall reside in the residence of the owner as a pet and shall not be kept outdoors with exception of periods for exercise and for elimination of waste. It shall be unlawful for the owner of any miniature pig to permit such animal to run at large. Any miniature pig shall be deemed to be running at large unless on a leash, under control of an accompanying person or confined within a motor vehicle, building, fence, or other enclosure of sufficient construction so as to prevent the miniature pig from escaping.

- c. It shall be unlawful for any person to maintain more than one miniature pig at one licensed premises. All locations where miniature pigs are kept shall be maintained in a clean and sanitary condition.
- d. It shall be unlawful for any person to maintain a miniature pig, which is:
 - 1. Not spayed or neutered upon reaching maturity
 - 2. Has not undergone a blood test to show the animal is free from pseudorabies.
 - 3. Maintained as a food source

Article II. License

Section 43-3. License Required

- a. All miniature pigs kept within the Township shall be licensed annually by the Delta Township Clerk within seven (7) days of the time the animal is taken to its place of residence. Said license shall apply to a specific miniature pig, the person responsible for harboring the miniature pig, and the specific premises where the miniature pig is kept. Said miniature pig license shall not be transferrable from one animal to another, from one person to another, or from one premises to another. Application and renewal for licensure shall include all of the following:
 - ii. A current health certificate from a licensed veterinarian which attests to the weight and general health of the animal.
 - iii. Payment of an annual fee as adopted by the Township Board.
 - iv. A miniature pig license shall continue to be valid until such time as:
 - 1. The annual renewal fee is not timely paid in accord with the license application.
 - 2. A current health certificate from a licensed veterinarian is not provided upon renewal.
 - 3. The miniature pig exceeds a weight of 120 pounds.
 - 4. The miniature pig is no longer maintained at the licensed location.
 - 5. The licensee no longer resides at the location stated in the license.
 - 6. The license is revoked.

- b. The Township Clerk may suspend or revoke any license once granted, or deny annual renewal thereof, when any provisions of this article have been violated. Prior to suspension or revocation of any license, or upon denial of an application or renewal thereof, written notice for such action shall be given to the owner of the miniature pig.
- c. The person aggrieved by the suspension of the license shall have the right to a hearing before the Township Board, provided that a written request thereof is filed with the Township Clerk within five days of the receipt of the notice of license suspension. The hearing shall be conducted by the Township Board within thirty days of receipt of the written request.

APPENDICIES:

1. The proposed Zoning Ordinance Text Amendments as submitted by Nicole Schuiling
2. A September 18, 2013 letter from Township resident Barbara Rice at 4851 River Ridge regarding the text amendment. An article from the Lansing State Journal on September 17, 2013 regarding MRSA infections.
3. A list of state laws pertaining to exotic pets, hunting and trapping
4. Information from the North American Potbellied Pig Association regarding rabies
5. An article from Time magazine regarding companion animals
6. A list of permitted and non-permitted animals as per Delta Township's current regulations
7. A copy of the Eaton County Animal Control Ordinance
8. An internal memo from the Michigan Department of Community Health regarding bites or scratches from exotic animals, and the risk of rabies
9. Potbellied pig regulations for Midland, Michigan, Riverside, California and Waukesha, Wisconsin.
10. Results from a survey prepared by staff, given to surrounding communities regarding pets, livestock and wild animals
11. Email from Bradley Kaye, Director of Planning for Midland

OVERVIEW OF SURVEY RESULTS

On August 27, 2013, the Planning Division created a survey regarding pets livestock and wild animals and mailed it to Lansing, East Lansing, Lansing Township, Delhi Township, Grand Ledge, Williamston Township, Watertown Township, and Meridian Township. The purpose of the survey was to determine how adjacent communities regulate these three categories of animals. The survey also lists a number of animals and questions which of the animals are permitted as pets. Responses were

received from every community except Lansing Township. The responses to this survey were so varied and unstructured that attempting to tabulate the data in a table was impossible. Instead, staff has simply attached the responses as submitted.

Nevertheless, some information can be summarized from the surveys. Staff couldn't find any local ordinances which allowed the keeping of potbelly pigs as pets. It appears that the City of Lansing allows potbelly pigs as pets as a result of not actively enforcing the ordinance prohibiting them. Various cities in Michigan *do* allow pet potbelly pigs, most notably the City of Midland which has a very thorough ordinance. None of the local communities polled require licenses for any animal besides dogs. All of the local communities polled have an ordinance which prohibits certain types of livestock in residential zoning districts.

MISCELLANEOUS INFORMATION

Over time, staff has researched the topic of pet potbelly pigs. Staff has retained various news articles, contacted various local governments and has otherwise organized information in order to provide a useful analysis for the Planning Commission.

On September 10, 2013, staff contacted the City of Midland which recently approved an ordinance allowing pet potbelly pigs. The Director of Planning, Bradley Kaye, indicated that their ordinance was adopted in response to a complaint and subsequent enforcement action against a potbelly pig owner. Since that time, there have been very few potbelly pig licenses issued. Currently, there are no potbelly pigs licensed in the City of Midland. The potbelly pig ordinance was enacted in 2011. The email chain has been included in the attached supplemental information.

On September 11, 2013, staff contacted the Eaton County Animal Control regarding their exposure to non-traditional pets. Animal Control indicated that they have witnessed an increased number of non-traditional pets, including potbelly pigs. There have been some incidents of potbelly pigs escaping from the home, but no incidents of the pigs attacking anyone or being infected with rabies. Animal Control noted that the exotic animal calls have not been as numerous or serious as calls regarding dogs. Per state law, permits are only required for exotic animals that are indigenous to Michigan. Therefore, a raccoon would require a permit, but a boa constrictor would not. Cats are not regulated in any city or township that Animal Control is aware, although feral cats remain a constant problem in many communities.

On September 12, 2013, staff contacted the Barry-Eaton Health Department regarding potbelly pigs, including pigs with rabies. Ms. Janet Graham at the Health Department indicated that they have not had any issues with potbelly pigs, with or without rabies. The Health Department offered an internal memo regarding bites or scratches from exotic

animals, and the risk of rabies. This memo has been included in the attached supplemental information.

STAFF RECOMMENDATION

Staff is offering two opposing motions regarding the Zoning Ordinance Text Amendment submitted by Nicole Schuiling. The motions are not offered in any order of preference. Please note that a third option has also been offered.

The following motions are offered for the Planning Commission's consideration:

APPROVAL:

"I move that the Delta Township Planning Commission recommend **approval** of the Zoning Ordinance Text Amendments (Case No. 8-13-16) requested by Nicole Schuiling regarding pets, livestock and wild animals for the following reasons:

1. The Text Amendment provides more current regulations regarding the keeping of pets, livestock and wild animals that reflects society's changing attitudes toward non-traditional pets.
2. The proposed Text Amendments address pleasure, support and therapy animals.

DENIAL:

"I move that the Delta Township Planning Commission recommend **denial** of the Zoning Ordinance Text Amendments (Case No. 8-13-16) requested by Nicole Schuiling regarding pets, livestock and wild animals for the following reasons:

1. The proposed text amendments as written would classify almost any type of animal as a companion animal and would therefore allow a wide range of pets within residential zoning districts. These animals could have characteristics which would negatively impact the peace, health and safety of residential areas.
2. The proposed definitions could be difficult for the public to interpret and the Zoning Administrator to enforce.

The following motion is offered for the Planning Commission's consideration relating only to miniature pigs:

Alternative Motion for Miniature Pigs

Chapter 43
Miniature Pigs
Article I. In General

Section 43-1. Definitions

"Miniature pig" means a domesticated miniature Vietnamese, Chinese or Asian pot-belly pig not exceeding a weight of **120** pounds at maturity.

Section 43-2. General Regulations

- a. Miniature pigs may be kept or housed on a non-commercial basis only in the NR, A1, A2, RA, RB and RC Districts.
- b. A miniature pig shall reside in the residence of the owner as a pet and shall not be kept outdoors with exception of periods for exercise and for elimination of waste. It shall be unlawful for the owner of any miniature pig to permit such animal to run at large. Any miniature pig shall be deemed to be running at large unless on a leash, under control of an accompanying person or confined within a motor vehicle, building, fence, or other enclosure of sufficient construction so as to prevent the miniature pig from escaping.
- c. It shall be unlawful for any person to maintain more than one miniature pig at one licensed premises. All locations where miniature pigs are kept shall be maintained in a clean and sanitary condition.
- d. It shall be unlawful for any person to maintain a miniature pig, which is:
 - 1. Not spayed or neutered upon reaching maturity.
 - 2. Has not undergone a blood test to show the animal is free from pseudorabies.
 - 3. Maintained as a food source.
 - 4. A male pig two years of age or older which hasn't had his tusks removed.

Article II. License

Section 43-3. License Required

- a. All miniature pigs kept within the Township shall be licensed annually by the Delta Township Clerk within seven (7) days of the time the animal is taken to its place of residence. Said license shall apply to a specific miniature pig, the person responsible for harboring the miniature pig, and the specific premises where the miniature pig is kept. Said miniature pig license shall not be transferrable from one animal to another, from one person to another, or from one premises to another. Application and renewal for licensure shall include all of the following:
 - i. A current health certificate from a licensed veterinarian which attests to the weight and general health of the animal.
 - ii. Payment of an annual fee as adopted by the Township Board.
 - iii. A miniature pig license shall continue to be valid until such time as:
 - 1. The annual renewal fee is not timely paid in accord with the license application.
 - 2. A current health certificate from a licensed veterinarian is not provided upon renewal.
 - 3. The miniature pig exceeds a weight of 120 pounds.
 - 4. The miniature pig is no longer maintained at the licensed location.
 - 5. The licensee no longer resides at the location stated in the license.
 - 6. The license is revoked.
- b. The Township Clerk may suspend or revoke any license once granted, or deny annual renewal thereof, when any provisions of this article have been violated. Prior to suspension or revocation of any license, or upon denial of an application or renewal thereof, written notice for such action shall be given to the owner of the miniature pig.
- c. The person aggrieved by the suspension of the license shall have the right to a hearing before the Township Board, provided that a written request thereof is filed with the Township Clerk within five days of the receipt of

APPENDICES

ZONING ORDINANCE TEXT
AMENDMENT APPLICATION

DELTA CHARTER TOWNSHIP
EATON COUNTY, MICHIGAN

1. APPLICANT: Name Nicole Schuiling
Address 4513 Cranberry Ct. Lansing MI 48917
Telephone 517-980-3275

2. AMENDMENT REQUESTED: Section(s) Definitions and Section 3.17.0
Present Ordinance Language: Keeping of Animals

Please see attached

Proposed Language:

Please see attached

3. APPLICANT'S SIGNATURE Nicole Schuiling 9/13/13

OFFICIAL USE ONLY

DATE RECEIVED 8/19/13

FEE PAID \$275

CASE NUMBER 8-13-16

RECEIVED BY C66

DATE OF HEARING / /

P. C. ACTION

TO CO. ZON. COMM. / /

TWP. BD. ACTION

EFFECTIVE DATE / /

Present Language of definitions:

Wild Animal:

Any animal not domesticated by humans or any animal which a person is prohibited from possessing by law. Wild animals shall include, but shall not be limited to, the following: Alligator (family), deer (family), opossum (family), badger, dog (wild family), primate excluding humans (family), bear, dog-wolf, raccoon, ferret, skunk, cat (wild family) lemur, spider (poisonous), coyote, lizard (poisonous), weasel (family), marten.

Livestock:

Animals including, but not limited to, horses, cattle, sheep, goats, swine, poultry and rabbits.

Proposed Language of definitions:

Wild Animal:

Any animal, bird, reptile, insect or other creature not domesticated by humans and has normally existed in a natural environment wherein it hunts and/or gathers it's food whether or not raised or kept in captivity or any animal that is poisonous, has the potential to cause bodily harm or property damage, or any animal which a person is prohibited from possessing by law.

Livestock:

Any hoofed animal (except domestic miniature pet pigs), any species of poultry or fowl, or any animal raised or kept for commercial purposes or to produce commodities such as food production, breeding, fiber, riding purposes, exhibition or sale.

Proposed New Definitions

Domestic House Pet or Companion Animal:

A domesticated animal that has been developed to live in and about the habitation of humans, is trained, is dependent on humans for food and shelter and is kept for pleasure, support or therapy rather than utility or commercial purposes which is normally kept within a residence as part of the family household, or within the limits of a residential property, whether fenced or not, or which may temporarily be tethered out of doors, or which may be walked off the residential property when leashed.

Domestic Caged Pet:

A small domesticated animal that is dependent on humans for food and is kept for pleasure, support or therapy rather than utility or commercial purposes which is usually confined in a suitable cage or tank.

Domestic Miniature Pet Pig:

A breed of pig meeting the standards established by the North American Potbelly Pig Association, does not exceed a weight of 120 pounds at maturity, and is kept within a residence as part of the family household.

Present Ordinance Language:

Section 3.17.0 Keeping of Animals

A. Household Pets:

- (1) The keeping of household pets, including dogs, cats, fish, birds, hamsters and other animals generally regarded as household pets are permitted as an accessory use in any agricultural or residential zoning district.
- (2) Except for single family dwellings in the NR and A1 Districts, no more than three (3) dogs, six (6) months of age and older, shall be kept or housed in or at one (1) dwelling unit.

Proposed Ordinance Language:

Section 3.17.0 Keeping of Animals

B. Household Pets:

- (1) The keeping of domestic house pets, companion animals, and domestic caged pets, are permitted as an accessory use in any agricultural or residential zoning district.
- (2) Except for single family dwellings in the NR and A1 Districts, no more than three (3) domestic house pets, six (6) months of age and older, shall be kept or housed in or at one dwelling unit or residence.
- (3) All domestic miniature pet pigs shall be licensed annually by the Township Clerk Delta Township within seven (7) days of the time the animal is taken to its place of residence. Said license shall apply to a specific miniature pig, the person responsible for harboring the miniature pig, and the specific premises where the miniature pig is kept. Said miniature pig license shall not be transferable from one animal to another, from one person to another, or from one premises to another. Application and renewal for licensure shall include all of the following:
 - a. A current health certificate from a licensed veterinarian which attests to the weight and general health of the animal.
 - b. Payment of an annual fee of \$25.00.

4851 River Ridge Dr
Lansing MI 48917
9/18/2013

Dear Board Chairman,

I write you urging
you to deny any order once
allowing a pig or any
other farm animal in a
non-agricultural area in
Delta Township.

I was extremely concerned
to read in the L55 the risk
of MRSA with pig or pig
manure.

Please deny these
orders.

Sincerely,
Barbara J. Rice
Barbara J. Rice
(Bobbi)

MRSA infection tied to hog manure

Liz Szabo
USA TODAY

Living near a hog farm or a field fertilized with hog manure significantly increases the risk of being infected with a dangerous superbug, new research finds.

Two new studies published Monday in JAMA Internal Medicine focus on a bacteria called methicillin-resistant *Staphylococcus aureus*, or MRSA, which caused more than 80,000 invasive infections in

the U.S. in 2011.

These infections, which invade the body deeper than the skin, can be deadly for patients in hospitals or nursing homes who have weakened immune systems. The first new study, led by the Centers for Disease Control and Prevention, suggests hospital efforts to reduce infections are paying off; hospital-based invasive MRSA infections fell by more than half from 2005 to 2011.

In 2011, for the first time since officials began tracking invasive MRSA infections, more

Americans were infected with MRSA in the community than in the hospital, one of the studies shows.

In the second study, researchers found that exposure to hog manure is related to 11 percent of MRSA infections, even among people who don't work on farms.

That study, from the Johns Hopkins Bloomberg School of Public Health, found that people with the greatest exposure to hog farms were 25 percent more likely to develop an MRSA infection, compared to

those with the lowest exposure.

But people didn't have to live near hogs to be at risk. Just living near any farm field fertilized with hog manure increased the risk of an MRSA infection, says Joan Casey, leader author of the study.

A pork industry group takes issues with the new findings.

Liz Wagstrom, chief veterinarian at the National Pork Producers Council, says the study doesn't prove that exposure to hog manure causes MRSA infections; only that a link exists.

LSH 9.17.13 7-A

MICHIGAN LAWS PERTAINING TO EXOTIC PETS, HUNTING & TRAPPING

MI - Exotic Pets - CHAPTER 287. ANIMAL INDUSTRY; ANIMAL INDUSTRY ACT	<u>MI ST 287.731</u>	Michigan completely prohibits the importation into the state of "any species having the potential to spread serious diseases or parasites, to cause serious physical harm, or to otherwise endanger native wildlife, human life, livestock, domestic animals, or property." For other wild or exotic animals, Michigan regulates various aspects of their importation, such as requiring physical exams by vets, negative disease tests, and proper animal care and restraint. (See also link to <u>Chapter 287. Animal Industry - Large Carnivore Act</u> ; link to <u>Wolf-dog Cross Act</u>).
MI - Exotic Pets - Chapter 287. Animal Industry; Large Carnivore Act	<u>MI ST 287.1101 - 1123</u>	This Michigan law bans acquisition and possession of large carnivores (big cats and bears), though it "grandfathered" animals already owned as pets at the time of the law's enactment. In order to maintain public safety and animal welfare, the state created a strict permit system for those owners who were allowed to keep their already-existing pets. The statute also outlines minimal care requirements, transportation guidelines, and procedures for when a large carnivore suspected of carrying rabies bites a human or livestock. (See also link to <u>Chapter 287. Animal Industry; Wolf-dog Cross Act</u> ; link to <u>287.731- Importation of species having potential to endanger life or property prohibited; importation of wild or exotic animals; requirements and prohibitions</u>).
MI - Exotic Pets - Chapter 287. Animal Industry; Wolf-dog Cross Act	<u>MI ST 287.1001 - 1023</u>	This Michigan law bans acquisition and possession of wolf-dog hybrids, though it "grandfathered" animals already owned as pets at the time of the law's enactments. In order to maintain public safety and animal welfare, the state created a strict permit system for those owners who were allowed to keep their already-existing pets. (See also link to <u>Chapter 287. Animal Industry; Large Carnivore Act</u> ; link to <u>287.731- Importation of species having potential to endanger life or property prohibited; importation of wild or exotic animals; requirements and prohibitions</u>).
MI - Hunting - Chapter 324. Natural Resources and Environmental Protection Act.	<u>M.C.L.A. 324.42701 - 42714</u>	These sections describe the licensing of and regulations of breeders and dealers, including zoological parks. These sections also describe the parameters for enclosures and pens.
MI - Trapping - Chapter 324. Natural Resources and Environmental Protection Act.	<u>M.C.L.A. 324.42501 - 42507</u>	These sections describe the regulations for trapping for furs, hides and pelts. This includes the requirement for a fur dealer's license and for a monthly report of all pelts on hand.



North American Potbellied Pig Association

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Rabies and Your Pig

RABIES AND PIGS

Rabies is a viral disease that attacks the central nervous system of warm blooded animals, including pigs. Once symptoms appear, rabies is always fatal in animals and people. In the USA animals that most often transmit rabies are foxes, skunks, bats, and raccoons. Rabies is transmitted through saliva — primarily via bite wounds. But it can also be spread by infected saliva entering an open cut or wound, or contacting a mucous membrane, such as those in the mouth, nasal cavity or eyes. When the virus enters the animal's body, it spreads through the nerves to reach the brain. Once it's in the brain it multiplies quickly, and that's when clinical signs appear. The virus then moves from the brain to the salivary glands and other parts of the body. Animals with rabies may show a variety of different signs. Most of them relate to the effect of the virus on the brain.

Rabies appears in pigs and other animals in two basic forms, dumb rabies and furious rabies. With dumb rabies, animals may appear depressed and try to hide. Wild animals may lose their fear of humans, and appear unusually friendly. Dumb rabies may also cause paralysis, often of the face and neck or the hind legs. With furious rabies animals may become very excited and aggressive. Periods of excitement usually alternate with periods of depression. The animal may attack objects or other animals and may even bite or chew their own limbs.

Rabies cases in pigs are extremely rare in the USA. The largest rabies exposure risk for pet pigs is outdoor housing or unsupervised exercise time where contact with infected wildlife is possible. Pigs housed indoors are extremely unlikely to be exposed to the rabies virus if the other feline and canine household pets have been properly vaccinated.

Although there is no approved rabies vaccine for pigs in the USA, experimentally they have responded well to rabies vaccination by producing significant antibody titers. Pigs are not required by law to be vaccinated for rabies. However your veterinarian can administer the vaccine, electively as an off-label usage, yearly to at risk pigs. In my practice I have used the large animal Immrab vaccine on dozens of pet pigs with no significant adverse reactions. Pigs which are in petting zoos, therapy pigs, pigs that have a lot of public contact or are at risk due to their potential contact with wildlife populations are candidates for receiving the rabies vaccine. Consult with your veterinarian to determine the potential risk and benefits of rabies vaccination for your pet pig.

Dr. Wilbers

Comments are closed.

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North American Potbellied Pig Association

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Potbellied Pig Size

The size of a potbellied pig is determined by genetics. All potbellied pigs are minitures in comparison to the farm pig. An adult farm pig can weight up to 900 pounds or more. A full grow potbellied pig can weight anywhere from 80 - 200 pounds.

The articles submitted by individuals and groups do not necessarily reflect the opinion held by NAPPA, but are offered to educate, amuse, and stimulate a variety of ideas regarding the care, health, promotion, and training of potbellied pigs.

Comments are closed.

©2013 North American Potbellied Pig Association

Comfort Creatures Support animals help patients, but that lizard may be against the law

By Josh Sanburn

PETREY THE PIG CONTAINS MULTITUDES. HE IS A beloved member of the Forgione household in suburban Whitestone, Queens. He is a bona fide form of prescription medicine. He is an enemy of the New York City department of health. And on a spring afternoon walk with his owner, Danielle Forgione, 1-year-old Petey is just a pig pursuing wholesome piggish endeavors: snorting, grazing, rooting through the dirt, searching out bugs.

Petey is certified as an emotional-support animal (ESA), and Forgione could use the support. Her father has brain cancer, her brother was killed in a motorcycle accident in March 2012, and she is a stay-at-home wife and mother raising six children, ages 3 to 15. Last year, Forgione was diagnosed with clinical depression and anxiety; her physician prescribed antidepressant medication, but Forgione felt wary about possible side effects. Her therapist suggested a different kind of treatment, in tandem with regular counseling: a pet.

Because one of her sons is allergic to dander, dogs and cats were out. But Forgione always loved pigs. (In her living room sit 6-in. porcelain statuettes of pigs with angel wings. There's a pig cookie jar atop her refrigerator. Forgione's cell phone doesn't ring—it oinks.) So in April last year, she visited a breeder in upstate New York and brought home now 40-lb. Petey.

For pets like Petey to be certified as ESAs, all that's required is a note from a mental-health professional stating that their owners need an animal to help alleviate their symptoms. But Petey's ESA status doesn't excuse him from New York City's health code. When Forgione moved Petey into her co-op, she didn't realize that the city forbids keeping pigs in residential buildings. When one of her neighbors complained that Forgione was harboring a farm animal, representatives from the health department began making unannounced visits to inspect the apartment.

In November, the city gave Forgione an ultimatum: Relocate Petey or move out. If she does neither by July 1, Petey may be euthanized. Sud-

denly, the porcine remedy for the family's woes had become yet another source of heartache. "We don't want to lose him," says Forgione, 33. "He's been such a great addition. Honestly, he just cheers you up. He's so fun. He cuddles. He sleeps in bed with my son. It's a positive distraction. I feel like, How many things are going to be taken away from my family?"

BUT IT'S FAR FROM CERTAIN THAT THE FORGIONES will actually lose Petey. The dispute over his legality has garnered national news attention just as ESAs are gaining popularity as alternatives or complements to more traditional treatments for mental illness. The National Service Animal Registry (NSAR), an organization that has certified service and emotional-support animals since 1995, registered about 7,000 ESAs last year. Those numbers have quadrupled over the past four years, according to CEO Tim Livingood.

With approval from a physician or therapist, NSAR has certified not just dogs (which account for most ESAs) but also cats, pigs, birds, mice, rats, hedgehogs, iguanas, rabbits and goats. With an NSAR-endorsed animal, owners can obtain vests, patches and ID cards that can help them prove to airlines or housing providers that they have a legitimate ESA.

Livingood acknowledges that certification standards for ESAs are far less stringent than those for service animals that aid people with visual impairments and other physical disabilities. ESAs are also different from psychiatric-service dogs, which are often used to rehabilitate veterans with posttraumatic stress disorder or depression but trained to perform tasks for their owners. ESAs, by contrast, "don't need to be trained," he says. "It's their very presence that ameliorates the negative effects of a person's disorder."

The Centers for Disease Control and Prevention and other authorities have established that the presence of a pet has positive health benefits. Simply petting a dog, for instance, generally

Photographs by Bobby Doherty for TIME

decreases blood pressure and heart rate and appears to raise levels of serotonin, the neurotransmitter associated with feelings of happiness and well-being.

These physiological responses have never been fully explained. Linda Porter-Wenzlaff, who teaches animal therapy at the University of Texas Health Science Center and also has a private psychotherapy practice, says interacting with domesticated animals may return us to a more elemental state of existence. "One of the things that animals do for us is externalize our focus," she says. "So if we're stewing about something or concerned or anxious or worried, they bring us back to the here and now."

These positive effects might be why Louisville basketball star Kevin Ware adopted a puppy days after suffering a gruesome leg injury on the court that will require extensive physical rehab. ("We named him Scar to represent my struggle," Ware posted to Instagram on April 2.)

Of course, regular pet owners like Ware get the same benefits as those with a certified ESA—they just don't have a doctor's note. That gray area causes confusion and even abuse of laws protecting ESAs. In the mid-2000s, New York City restaurant owners started noticing an influx of customers with "service" dogs that didn't seem to provide any obvious service. In two incidents on different airlines, flight attendants puzzled over how to accommodate the presence of emotional-service goats in the cabin. Complicating the issue further was the growing diversity of critters aiding people with physical disabilities: boa constrictors that warn their owners of oncoming seizures; capuchin monkeys that help quadriplegics eat and drink; parrots that verbally calm owners who suffer from bipolar disorder.

In 2011 the Department of Justice redefined what constitutes a service animal under the Americans With Disabilities Act to exclude ESAs. They are still protected under the Air Carrier Access Act, which allows ESAs in airplane cabins, and the Fair Housing Act, which requires housing providers to make reasonable accommodations for owners of ESAs, even in otherwise no-pet housing.

Many landlords and co-ops, however, challenge provisions for ESAs. "In many cases with a service animal, the disability is visible—you can see that someone is blind; for instance, so there are fewer

questions," says Sara Pratt, deputy assistant secretary at the Department of Housing and Urban Development. "With emotional-support animals, they are helping people with mental or emotional disabilities," which are often invisible. "So there's a skepticism there."

That skepticism intensifies when non-ESA owners must share close quarters with ESAs. Livingood says airlines are allowed flexibility and discretion on a case-by-case basis: they can require that the animal be caged, placed under the seat or even relocated into cargo. Likewise, property owners and managers can evict a disruptive ESA, but in doing so, they also risk discrimination lawsuits.

Case in point: Kendra Velzen, who was diagnosed with chronic depression nine years ago, enrolled at Grand Valley State University in Michigan in 2010. She planned to attend with her ESA, a guinea pig named Blanca, but the school balked. Bringing Blanca into the dormitory was against school policy.

"I presented them with a doctor's letter because I knew the law protected my right to have this animal," says Velzen, now 29. She eventually took legal action against the school. Last month, she won a \$40,000 settlement affirming her right to have an ESA on the Grand Valley campus.



Pig in a pinch Danielle Forgione is trying to overturn a New York City law banning pigs as pets so she can keep Petey, an emotional-support animal, in her home

AS PETEY THE PIG'S LEGAL BATTLE DRAGS on, Danielle Forgione is trying to sell her home in a still slow market and worries she won't make her July 1 deadline. Her kids have offered to sell their toys to help with the move, but it's all about finding a buyer. Meanwhile, her co-op board has sent her eviction papers. Forgione has been in touch with New York state senator Tony Avella about overturning the city's ban on pigs, but time is running out for Petey.

Despite the stress and sadness brought on by an arrangement intended to alleviate stress and sadness, Forgione has no regrets and isn't backing down. "I feel like we're teaching our kids responsibility," she says. "If we disposed of him like they told us to, we'd be teaching our kids to give up. I think he's worth it."

Recently, Forgione got word that her father wasn't responding to chemotherapy and that his doctors were effectively ceasing his treatment. She broke down. "I was crying, and then Petey comes over to me and starts rooting his nose into my hand and laid in my lap. It was like he knew," she says. "He makes things so much easier."

Delta Township current regulations					
	Permitted in				
Animal	Residential?	classified as	notes:		
Cattle	no	livestock			
Goat	no	livestock			
Horse	yes*	livestock	Only in NR, A1, A2 on 3 acres		
Poultry	no	livestock			
Rabbit	no	livestock			
Sheep	no	livestock			
Swine	no	livestock			
Alligator	no	Wild animal			
Badger	no	Wild animal			
Bear	no	Wild animal			
Coyote	no	Wild animal			
Deer	no	Wild animal			
Ferret	no	Wild animal			
Lemur	no	Wild animal			
Lizard (poisonous)	no	Wild animal			
Marten	no	Wild animal			
Opossum	no	Wild animal			
Primates (non human)	no	Wild animal			
Raccoon	no	Wild animal			
Skunk	no	Wild animal			
Spider (poisonous)	no	Wild animal			
Weasel	no	Wild animal			
Wild Cat	no	Wild animal			
Wild Dog	no	Wild animal			
Wolf	no	Wild animal			
Bird	yes	household pet			
Cat	yes	household pet			
Dog	yes	household pet			
Fish	yes	household pet			
Hamster	yes	household pet			
Lizard (non-poisonous)	yes	household pet			
Spider (non-poisonous)	yes	household pet			

Eaton County Animal Control Ordinance

An ordinance, providing for general animal control within Eaton County, prescribing the licensing and regulation of animals and kennels, setting standards and conditions for animal care, prohibiting animal cruelty, establishing powers and duties of Animal Control Officers, prescribing the County Treasurer's duties with regard to animal control, providing for the impoundment, adoption, redemption and humane destruction of animals, providing special controls for keeping vicious and exotic animals, authorizing an annual dog census to be taken, establishing penalties for violations, declaring certain offenses as municipal civil infractions, establishing a municipal civil infraction violations bureau and repealing other inconsistent ordinances.

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SECTION 1. PREAMBLE.

1.1. Purpose, Findings and Policy. The County of Eaton deeming it advisable in the interest of protecting the public health and safety and welfare and to regulate and control the conduct, keeping and care of dogs and certain other animals, livestock and poultry, and provide for the orderly and uniform administration of the dog licensing provisions of the State of Michigan and in particular Act 339 of the Public Acts of 1919 as amended, does hereby adopt the following revised animal control ordinance which is to be enforced by the Animal Control Division of the Eaton County Sheriff Office, under the direction of the Chief Animal Control Officer.

1.2. This Ordinance shall be known as the Eaton County Animal Control Ordinance.

SECTION 2. DEFINITIONS.

2.1. "Abandonment" means leaving an animal unattended for more than 24 hours, releasing the animal upon public highways or public or private lands, or failure to provide proper or adequate food, water, exercise, shelter or medical care.

2.2. "Animal" means a mammal, bird, fish, reptile, ferret, snake, turtle, horse, mollusk, crustacean, or any other vertebrate other than a human being.

2.3. "Animal Control Officer" means any person employed by the Sheriff for the purpose of enforcing this Ordinance or state statutes pertaining to animals, and all persons and deputies employed by the County to act in the same or a similar manner.

2.4. "Animal Control Shelter" means a facility designated or recognized by Eaton County or State of Michigan for the purpose of impounding and/or caring for animals, including a contract service provider, such as a local animal protection shelter, which may include a humane society.

2.5. "At Large" means, except when hunting, an animal which is not on the premises of the owner and not under the control of a person either by leash, cord, chain, or otherwise.

2.6. "Chief Animal Control Officer " means the person employed by the Sheriff for the purpose of enforcing this ordinance or state statutes pertaining to animals who is responsible for the supervision of the Animal Control Division and maintaining all required records.

2.7. "Continuous Barking" means barking, howling, or yelping for a period of time in excess of 15 minutes.

2.8. "County" means the County of Eaton of the State of Michigan.

2.9. "Dangerous Animal" means any animal, which bites or attacks a person or an animal but does not include the following:

(a) An animal that bites or attacks a person or animal that is trespassing on the property of the animal's owner; or

(b) An animal that bites or attacks a person or animal as a result of being provoked, tormented, tortured, or receiving cruel treatment by that person or animal; or

(c) An animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in lawful activity or is the subject of an assault or battery, or to protect itself or another animal; or

(d) An Exotic Animal.

2.10. "Dog" means any member of the species "*Canis Familiaries*."

2.11. "Domesticated Companion Animal" means an animal that has traditionally, through a long association with humans, lived in a state of dependence upon humans or has been traditionally kept as a household pet, including but not limited to: dogs, cats, hamsters, gerbils, ferrets, mice, rabbits, parakeets, parrots, cockatiels, cockatoos, canaries, love birds, finches and tropical fish.

2.12. "Hunting" means allowing a dog to range freely within the sight or sound of its owner while in the course of pursuing legal game.

2.13. "Kennel" means any establishment, except a pet shop, animal protection shelter, or licensed pound, where animals are kept for sale, boarding, breeding, training, or sporting purposes for remuneration.

2.14. "Neglect" means failure to comply with the minimum requirements for animal care set forth in this Ordinance.

2.15. "Owner" means any adult person who owns or resides on the property where the animal lives, every person having a right of property in the animal, an authorized agent of the person having a right, every person who has an apparent authority to have a right of property in the animal. Every person who keeps or harbors the animal or has it in his care, custody or control.

2.16. "Person" means any adult individual, corporation, society, co-partnership, limited partnership, limited liability company, association, or any other entity.

2.17. "Provoke" means to perform an act or omission that an ordinary and reasonable person would conclude is likely to precipitate a bite or attack by an animal.

2.18. "Rabies Suspect Animal" means any animal which shows symptoms suggestive of rabies.

2.19. "Shelter" means adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health. Shelter, for livestock, includes structures or natural features such as trees or topography. Shelter, for a dog, includes 1 or more of the following:

- (a) The residence of the dog's owner or other individual.
- (b) A doghouse that is an enclosed structure with a roof and of appropriate dimensions for the breed and size of the dog. The doghouse shall have dry bedding when the outdoor temperature is or is predicted to drop below freezing.
- (c) A structure, including a garage, barn, or shed, that is sufficiently insulated and ventilated to protect the dog from exposure to extreme temperatures or, if not sufficiently insulated and ventilated, contains a doghouse as provided under subparagraph (b) that is accessible to the dog.

2.20. "Vicious Animal"

(a) Means any animal that has:

- (i) been declared a "Dangerous Animal" under this ordinance or under, MCL 287.321;
- (ii) a propensity, tendency, or disposition to attack, cause injury, or otherwise endanger the safety of persons or Domesticated Companion Animals; or
- (iii) behaved in such a manner that the owner knows or should have known that the animal had tendencies to bite or attack persons or other Domestic Companion Animals.

(b) A Vicious Animal does not include the following:

- (i) an animal that bites or attacks a person or animal that is trespassing on the property of the animal's owner, or
- (ii) an animal that bites or attacks a person or animal as a result of being provoked, tormented, tortured, or cruel treatment by that person or animal; or
- (iii) an animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in lawful activity or is the subject of an assault or battery, or to protect itself or another animal; or
- (iv) an Exotic Animal.

SECTION 3. LICENSING AND REGULATION

3.1. License Requirements. It shall be unlawful for any person:

- (a) To own any dog four (4) months old or older, unless the dog is licensed;

(b) To own any dog four (4) months old or older that does not at all times wear a collar with an identifying tag approved by the Director of the Michigan Department of Agriculture attached as provided, except when engaged in lawful hunting accompanied by its owner; or

(c) To remove any collar and license tag from a dog, except the owner.

3.2. License Application. On or before June 1 of each year, the owner of a dog 4 months old or older shall apply to the Chief Animal Control Officer or Treasurer in writing for a license for each dog owned or kept by the owner. The application for a license shall be accompanied by proof of vaccination of the dog for rabies by a valid certificate of vaccination for rabies, with a vaccine licensed by the United States Department of Agriculture, signed by an accredited veterinarian. The owner of a dog that attains the age of four (4) months after June 1ST shall have (30) days to obtain a license. The application for a license shall contain the breed, sex, age, color, markings, and the address of the previous owner of the dog.

3.3. License Fees. The license fee for dogs shall be as follows:

(a) For all non spayed/neutered dogs that are (4) months of age or older on or before June 1st of each year, Fifteen Dollars (\$15.00) if the license is obtained before June 1st.

(b) For all spayed/neutered dogs, so certified by an accredited veterinarian, that are (4) months of age or older on or before June 1st, Ten Dollars (\$10.00) if the license is obtained before June 1st;

(c) For all non spayed/neutered dogs acquired after July 1st or dogs turning the age of (4) months old after June 1st of that year, Seven Dollars and fifty cents (\$7.50) if the license is obtained after July 1st;

(d) For all spayed/neutered dogs acquired after July 1st of that year, Five Dollars (\$5.00) if the license is obtained after July 1st;

(e) For all dogs not licensed within the time period set forth in (a) through (d) above, the licenses will be considered delinquent and the fee shall be Thirty Dollars (\$30.00);

(f) Fees for leader dogs or dogs in service training are waived;

(g) For any dog that has been adjudicated a Dangerous Animal pursuant to Act 426 of the Public Acts of 1988, as amended (MCL 287.321), the license fees scheduled above shall be increased by \$25.00.

(h) The license fees may be amended by Motion or Resolution of the Board of Commissioners; and

(i) Current licenses issued by other Michigan counties and by other governmental agencies shall be honored until the expiration of the license.

3.4. Transfer of License. No license or license tag issued for one dog shall be transferable to another dog. Whenever the ownership or possession of any dog is permanently transferred from one person to another within the same county, the license of the dog may be likewise transferred by the last registered owner upon proper notice in writing to the Treasurer who shall note the transfer upon their records. This Ordinance does not require the purchase of a new license where the possession of the dog is temporarily transferred for the purpose of boarding, hunting game, breeding, trial or show.

3.5. Loss of License Tag. If any license tag is lost, it shall be replaced without cost by the Treasurer upon application by the owner and upon production of a license receipt and a sworn statement of the facts regarding the loss of the tag.

3.6. License Revocation. The Chief Animal Control Officer may revoke any dog or kennel license if the owner refuses or fails to comply with this Ordinance, or any laws or regulations governing the protection of animals.

SECTION 4. TREASURER'S RECORDS AND DUTIES; EVIDENCE.

4.1. Record of Licenses. The Treasurer shall keep a record of all dog licenses and all kennel licenses issued during the year in each city and township in Eaton County. Such records shall contain the name and address of the person to whom each license is issued. In the case of all individual licenses, the record shall also state the breed, sex, age, color and markings of the dog; and in the case of a kennel license, it shall state the place where the

business is conducted. The record shall be a public record and open to inspection during business hours. The Treasurer shall keep a record of all license fees collected.

4.2. Comparison of Records. On July 1st of each year the Treasurer shall make a comparison of the records of the dogs actually licensed in Eaton County with the report of the Animal Control Officer to determine and locate all unlicensed dogs as required by state law.

4.3. Prima Facie Evidence of Ownership. In all prosecutions for violation of this Ordinance, the records of the Treasurer's Office, or the lack of such records, showing the name of the owner and the license number to which any license has been issued, and the license tag affixed to the collar or harness of the dog showing a corresponding number shall be prima facie evidence of ownership.

4.4. Annual Dog Census. It shall be the duty of the Chief Animal Control Officer and his/her designees to annually make a census of the number of dogs owned by persons in Eaton County. During this census, a person who owns or harbors a dog shall produce proof of a valid license upon request of any person who is authorized to enforce this Ordinance.

4.5. Delegation of Duties. The duties and obligations imposed by this Ordinance upon the respective designated officials may be delegated when permitted by law to some other person or persons with like force and effect.

SECTION 5. CHIEF ANIMAL CONTROL OFFICER DUTIES, AUTHORITY AND RESPONSIBILITIES.

5.1. Requirements. A Chief Animal Control Officer shall be hired by the Eaton County Sheriff and shall serve as the head of the Animal Control Division; provided, however, that the Chief Animal Control Officer and all Animal Control Officers shall have and meet the minimum requirements contained in MCLA 287.289b; MSA 12.540(2).

5.2. Duties and Authority. The Chief Animal Control Officer and his/her designees shall have the following duties and authority:

- (a) The Chief Animal Control Officer is authorized to investigate any complaints of violations of this ordinance or state laws regarding animals.
- (b) The Chief Animal Control Officer may promptly seize, take up and place in the animal shelter, or contracted services provider, including a state licensed humane society, dogs, livestock, or poultry being kept or harbored or found running at large any place within Eaton County contrary to the provisions of this Ordinance or the statutes of the State.
- (c) The Chief Animal Control Officer and his/her designees shall be properly deputized as peace or police officers. They shall have the legal authority and duty to issue appearance tickets, citations or summonses to those persons acting contrary to the provisions of this Ordinance or state laws relating to animals.
- (d) The Chief Animal Control Officer or a duly recognized service provider under contract with Eaton County may, under the guidelines for holding periods and notification set forth in state statutes, dispose of impounded animals which are not claimed by the legal owner, by one of the following methods:
 - (i) adoption by an individual person who meets adoption criteria for the animal; or
 - (ii) humane euthanasia under MCL 287.279(a); or
 - (iii) release to a duly recognized service provider to Eaton County, such as a licensed humane society or animal protection shelter.

Note: The state guidelines for holding periods do not apply to animals that are sick or injured to the extent that the holding period would cause the animal to suffer. This section also does not apply to any animal that is voluntarily signed over to the Animal Control Shelter by its owner. In both of these cases no minimum holding period is required before disposing of the animal.

(e) The Chief Animal Control Officer shall maintain a record of when the animal was acquired, under what circumstances, copies of any required notices and the disposition of the animal. Regulations regarding the adoption of animals and boarding and other charges shall be posted in a conspicuous place at the animal control shelter.

(f) The Chief Animal Control Officer shall dispose of the bodies of all animals destroyed at the animal control shelter or elsewhere in Eaton County in a manner approved by the State of Michigan.

(g) The Chief Animal Control Officer shall promptly investigate all animal bite cases involving human injury and shall search out and attempt to discover the animal involved. If the Chief Animal Control Officer finds the animal responsible for the bite, he or she shall quarantine the animal for examination for disease in accordance with the applicable provisions of this Ordinance and the statutes of the State. The Chief Animal Control Officer shall also seize and impound any rabies-suspected animal and cause the Animal to be quarantined for examination.

(h) The Chief Animal Control Officer shall make efforts to locate and determine the number of all unlicensed dogs in Eaton County.

(i) The Chief Animal Control Officer shall have the duty to inspect any kennel, a license for which has been issued by Eaton County or its authorized agents pursuant to this Ordinance and the statutes of the State, and shall have the duty to suspend the license if conditions exist which are unhealthy or inhumane to the animals kept in the kennel, pending correction of such conditions; and further shall have the duty to revoke the license if such conditions are not corrected within a reasonable period of time.

(j) The Chief Animal Control Officer shall have the duty to investigate complaints of animals alleged to be treated cruelly or kept in violation of this ordinance, and may seek a court order to seize, take up and impound any animal that has been subject to such cruelty, abandonment or neglect.

(k) The Chief Animal Control Officer shall have such other duties relating to the enforcement of this Ordinance as the Sheriff may from time to time provide.

5.3. Enforcement of Ordinance. The Chief Animal Control Officer in enforcing the provisions of this Ordinance and the statutes of the State pertaining to animals may make complaints to the Eaton County Prosecuting Attorney and to the District Court in regard to any violations of this Ordinance.

5.4. Fees and Monies Collected. All fees and monies collected by the Animal Control Division shall be accounted for and turned over to the Treasurer on or before the first of each month under the standard practices of the Treasurer's accounting system. Funds received by the Treasurer as forfeitures from the sterilization fund shall be maintained in a separate account to be disbursed for use by the animal control according to state law.

SECTION 6. ANIMAL CARE

6.1. Adequate Care. Every owner or caregiver of an animal shall be required to provide the animal with the minimum standard of care set forth in this Ordinance, which means the provision of sufficient food, water, shelter, sanitary conditions, exercise, and veterinary medical attention in order to maintain an animal in a state of good health.

6.2. Food and Water. Every owner or caregiver of an animal shall provide, on a daily basis, the animal with sufficient good and wholesome food and water.

6.3. Cleanliness. Every owner or caregiver of animals shall keep all animals in a clean, sanitary and healthy manner and not confined so as to be forced to stand, sit or lie in their own excrement.

6.4. Shelter. Every owner or caregiver of animals shall provide all animals with a proper shelter.

6.5. Veterinary Care. The owner or caregiver of a diseased or injured animal shall provide the animal with appropriate veterinary care and shall segregate the diseased animal from other animals to prevent transmittal of disease.

6.6. Abuse. No person shall beat, cruelly treat, improperly tether, torment, overload, overwork or otherwise abuse an animal.

6.7. Abandonment and Neglect. No owner or caregiver of an animal shall abandon or neglect any animal. An animal is deemed abandoned and/or neglected if the owner or caregiver fails to properly maintain the animal.

6.8. Poison. No person shall expose any known poisonous substance, whether mixed with food or not, so that the poisonous substance may be eaten by any animal, provided that it shall not be unlawful for a person to expose on his or her property common rat poison mixed only with vegetable substances.

6.9. Disfigurement. No person, except a licensed veterinarian, shall crop an animal's ears or dock an animal's tail.

6.10. Housing Conditions for Multi-Animal Housing.

(a) Housing facilities for animals shall be structurally sound and shall be maintained in good repair, to protect the animals from illness or injury, to contain the animals, and to restrict the entrance of other animals.

(b) Every building or enclosure where animals are maintained shall be constructed of material that can be easily cleaned and shall be kept in a clean and sanitary condition. The building shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required, according to the physical needs of the animals, with sufficient light to allow observation of animals and sanitation.

(c) All animal rooms, cages, kennels, and runs shall be of sufficient size to provide all animals with adequate room for exercise and general proper accommodations.

(d) All animal rooms, cages, kennels, and runs shall provide all animals with proper shelter and protection from the weather at all times, including, but not limited to, a minimum of a roofed, three-sided structure of suitable size. All animals must be provided with an area protected from the elements so as to provide a dry, clean area for the animals to rest.

(e) No person shall fail to provide an animal with adequate shelter.

6.11. Other Conditions. No animal shall be left without proper attention and care for more than 24 consecutive hours. Whenever an animal is left unattended at a commercial animal facility, the name, address and telephone number of the responsible person shall be posted in a conspicuous place at the front of the property.

(a) No condition shall be maintained or permitted that is or could be injurious to the animals.

(b) All reasonable precautions shall be taken to protect the public from the animals and animals from the public.

(c) No person shall give an animal any alcoholic beverage or prescription drug, unless prescribed by a veterinarian.

(d) No person shall knowingly allow animals that are natural enemies, temperamentally unsuited, or otherwise incompatible, to be quartered together or so near each other as to cause injury, fear or torment. If two or more animals are so trained that they can be placed together and do not attack each other or perform or attempt any hostile act to each other, the animals shall be deemed not to be natural enemies.

(e) Working animals shall be given adequate rest periods with water and shade provided. Confined or restrained animals shall be given proper exercise.

(f) No person shall work, use, or rent any animal which is malnourished, undernourished, overheated, weakened, exhausted, sick, injured, diseased, lame, or otherwise unfit. This shall mean that if an animal is not shod, it must be provided with footing (i.e., grass, hay, wood shavings or dirt).

(g) No person shall allow any animal that the Animal Control Shelter has suspended from use, to be worked or used until released by the Chief Animal Control Officer.

(h) All livestock shall be kept under humane restraint and not permitted to run at large.

(i) All dogs shall be kept under humane restraint and shall not be permitted to be at large.

(j) No owner shall permit a dog to leave the owner's premises unless such animal is wearing a leash and is under the positive control of a person of suitable age and discretion. The leash shall be of sufficient strength to restrain the particular animal.

(k) While restrained by a leash, no animal shall be permitted to enter upon private property of another without the permission from that person.

6.12. Barking Dog. No owner of a dog shall permit continuous barking which disturbs another person.

6.13. Animals in Motor Vehicles.

(a) No person shall transport or carry any dog or other animal in a motor vehicle unless the animal is safely enclosed within the vehicle. If a person is transporting or carrying an animal in an unenclosed or partially enclosed vehicle (including, but not limited to convertibles, pick-up and flat-bed trucks), the person shall confine the animal in a container case, or other device that is of proper and adequate size to prevent the animal from falling from or jumping from the motor vehicle.

(b) No person shall transport or leave any animal in a vehicle in such a way as to endanger the animal's health, safety or welfare, including but not limited to dangerous temperatures, lack of air, food, water, or proper care.

Any Animal Control Officer, or law enforcement officer employed by Eaton County is authorized to use reasonable force to remove an animal from any vehicle whenever it appears that the animal's health, safety, or welfare is, or may be, endangered.

(c) No person shall carry or cause to be carried in or upon any vehicle or otherwise, any live animals having the feet or legs tied together or in any other cruel or inhumane manner or without providing suitable and humane facilities including racks, crates or cages in which such animal may stand up or lie down during transportation or while awaiting slaughter or sale.

6.14. Ferret Owners' Responsibilities.

(a) No person owning, possessing or having charge of any ferret shall permit a ferret to leave the owner's property unless the ferret is confined or leashed and under the direct control of the owner or a responsible person designated by the owner.

(b) No person shall release a ferret into the wild or abandon a ferret.

SECTION 7. DEAD ANIMALS

7.1. General Requirements. It shall be unlawful for an owner or caregiver, or person possessing an animal to do any of the following:

(a) To allow the carcass of a dead animal to be left unattended and not properly disposed of.

(b) To put any dead animal or part of the carcass of any dead animal, into any lake, river, creek, pond, roadway, street, alley, lane, or lot.

SECTION 8. QUARANTINE OF ANIMAL AFTER BITING A PERSON OR OTHER ANIMAL

8.1. Domesticated Companion Animal. The owner of any Domesticated Companion Animal that bites a person or other animal shall immediately quarantine the biting Animal inside an appropriate building or enclosure for a minimum of ten (10) days. If the Owner of the biting Animal fails to do so, or if the Owner of the biting Animal cannot be identified or found, then the Chief Animal Control Officer may take possession of the Domesticated Companion Animal and quarantine it at the Animal Control Shelter or Animal Protection Shelter until the expiration of the ten (10) day period. The Owner shall be responsible for all expenses incurred for the quarantine. At the expiration of the ten (10) day period, if the Owner shows satisfactory evidence that the Domesticated Companion Animal is not suffering from rabies, and pays the requisite expenses, the Chief Animal Control Officer shall release the Domesticated Companion Animal to its Owner.

The Chief Animal Control Officer may immediately humanely destroy the Domesticated Companion Animal that has bitten if the Animal is determined by a veterinarian to be suffering from rabies or upon request of the owner. In such cases, following the humane destruction of the Domesticated Companion Animal, the Chief

Animal Control Officer shall immediately send a sample specimen to the Michigan Department of Public Virology Laboratory in Lansing, Michigan.

8.2. Animals That Are Not Domesticated. If an animal that is not domesticated bites a person or other animal, and there is no identifiable owner, then the Chief Animal Control Officer shall if possible, humanely confine and destroy the animal and immediately send the animal or sample specimen to the Michigan Department of Public Health Virology Laboratory in Lansing, Michigan.

SECTION 9. IMPOUNDMENT, REDEEMING AND ADOPTING ANIMALS

9.1. Impoundment by Animal Control Officer. The Chief Animal Control Officer may humanely seize and impound at the Animal Control Shelter any Domesticated Companion Animal or livestock found running at large. If the animal is non-vicious or non-dangerous and its owner can be ascertained and is available, the Chief Animal Control Officer may return the Animal to its owner, and may cite the owner of the animal for any violation that has occurred. The Chief Animal Control Officer may also seize and impound any Animal that is, within his or her reasonable discretion, subject to abuse, cruelty, abandonment or neglect, and may cite the owner with a violation of this Ordinance and/or applicable state laws.

9.2. Impoundment by Citizens. Any citizen shall be empowered to temporarily take and hold any domestic animal or livestock that is running loose within plain view that, according to a reasonable person, is in danger itself or poses an imminent danger of causing serious bodily injury or death to a Person. Any such citizen shall immediately contact Eaton County Animal Control with a description of the animal and location where found and may turn over the animal to Animal Control. Any citizen acting reasonably and in good faith under this Section should not be liable for civil claims or criminal charges resulting from such actions.

9.3. Notification of Owner. Immediately after impounding an animal, if the owner of the animal can be identified by collar, license, tag or by other means, the Chief Animal Control Officer shall notify the owner about the animal's impoundment by first class mail. The Chief Animal Control Officer shall inform the owner of the steps necessary to regain custody of the animal.

(a) The Chief Animal Control Officer or a duly recognized service provider under contract with Eaton County may dispose of impounded animals which are not claimed within the state statutory holding periods in a manner set forth by the terms of this ordinance.

9.4. Redeeming Impounded Animals. An owner may redeem an animal from impoundment by executing a sworn statement of ownership, furnishing a license and tag, as required by this Ordinance and State laws and paying all expenses associated with the seizure and impoundment of the animal. The Chief Animal Control Officer shall not knowingly release any impounded animal to an owner who has been convicted of animal cruelty, abandonment, neglect or other related criminal violations of State law or of this Ordinance without a Court Order.

9.5. Adoption of Impounded Animals.

(a) A person who wishes to adopt an impounded animal that has not been redeemed by its owner must sign an adoption agreement that contains a sworn statement that he or she will own and keep the animal in accordance with the terms of this Ordinance and State laws.

(b) If the animal has not been sterilized, the sworn statement must also provide that the adopted animal will be immediately sterilized or, in the case of a puppy, kitten, sick or injured animal, will be sterilized immediately after a veterinarian determines that the animal is of sufficient age and health to undergo sterilization.

(c) The sworn statement must also provide that the animal will not be used for fighting or other illegal activity and will not be subjected to, sold, or otherwise used for medical or other testing or experimentation.

(d) Any person adopting an impounded animal must pay shelter, boarding and other charges associated with the seizure and impoundment of the animal prior to the release of the animal. Such charges shall be posted conspicuously at the Animal Control Shelter. Any subsequent failure to follow any of the terms of the adoption agreement shall be a violation of this ordinance.

(e) The Chief Animal Control Officer shall not knowingly adopt an animal to a person who has been convicted of animal cruelty, abandonment, neglect or other related criminal violations of state law or of this ordinance without a court order. The Chief Animal Control Officer may decline to adopt an animal if other circumstances exist, which, in the opinion of the Chief Animal Control Officer would endanger the health, safety, or welfare of people or animals.

SECTION 10. KENNELS

10.1. Licensing. A person who owns, keeps or operates a kennel shall obtain a kennel license from the Chief Animal Control Officer. The Chief Animal Control Officer shall inspect all kennels annually in accordance with this ordinance and State law. Kennels must also comply with applicable Building Code and Zoning Ordinances.

10.2. Compliance with Statutes, Regulations and Ordinances. The Chief Animal Control Officer shall not issue a kennel license to a person unless they are in full compliance with this Ordinance and State law. The Chief Animal Control Officer shall not knowingly issue a kennel license to a person who has been convicted of animal cruelty, abuse or neglect, or other related criminal violations of State law or of this ordinance without a Court Order.

10.3. Exemption from Requirement for Individual Animal Licenses. A person who shall obtain a kennel license under this ordinance is exempt from obtaining individual licenses for animals required under this ordinance.

10.4. Licensing Fees. The fees for a kennel license shall be set by the County Board of Commissioners.

10.5. Humane Treatment. All kennels must be kept sanitary and provide adequate housing and humane treatment of the animals in the kennel including, but not limited to, fresh food and water daily, sufficient room and opportunity for daily exercise, protection from the elements, adequate ventilation, vaccinations against diseases and adequate veterinarian care. Any person who owns, keeps or operates a kennel is subject to the minimum standards of care and all provisions of this Ordinance in its entirety for each of the animals kept in the kennel.

SECTION 11. SPECIAL PROVISIONS REGARDING VICIOUS ANIMALS.

11.1. Standards for Keeping Vicious Animals.

(a) **Confinement.** Except as provided below, all Vicious Animals shall be securely confined indoors or in a securely enclosed and locked pen or kennel. The pen, kennel or structure must have secure sides and a secure top attached to its sides. A fenced-in yard by itself is insufficient to meet this standard. All structures used to confine such animals must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground to a depth of no less than two (2) feet. All structures erected to house such animals must comply with all zoning and building regulations of the City or Township where located. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. The house or shelter for said animal shall be totally enclosed within the confinement structure.

(b) **Confinement Indoors.** No Vicious Animal may be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or structure where window screens or screen doors are the only obstacles preventing the animal from exiting the structure.

(c) **Leash.** No person shall permit a Vicious Animal to go outside of its kennel, pen or the owner's residence unless such animal is securely leashed with a leash no longer than four (4) feet in length. A person of suitable age and capacity must be in physical control of the leash at all times. The animal may not be leashed to inanimate objects such as trees, posts, or buildings.

(d) **Muzzle** In addition to being on a leash, while being outside its kennel, pen or the owner's residence, all

such animals on a leash outside of the animals kennel, pen or the owner's residence must be muzzled by a muzzling device sufficient to prevent the animal from biting persons or other animals.

(e) **Signs.** All owners, keepers or harborers of Vicious Animals shall display in a prominent place on their premises a sign, easily readable by the public from adjoining public roads or streets, using such words as "*Beware of Vicious Animal*" or other appropriate warning language. In addition, a similar sign must be posted on the kennel or pen of such animal.

11.2. Insurance Identification and Reporting Requirements.

(a) **Insurance.** All owners, keepers or harborers of Vicious Animals must provide to the Chief Animal Control Officer proof of liability insurance in an amount of five hundred thousand dollars (\$500,000.00) for each occurrence for bodily injury to or death of any person or persons which may result from ownership, keeping or maintenance of such animal. The insurance policy shall provide that no cancellation of the policy will be effective unless ten (10) days written notice is first given to the Chief Animal Control Officer at his or her business address.

(b) **Identification photographs.** All owners, keepers or harborers of Vicious Animals must provide the Chief Animal Control Officer with two (2) color photographs of the registered animal clearly showing the color and approximate size of the animal.

(c) **Reporting requirements.** All owners, keepers or harborers of Vicious Animals must, within three (3) days of the following incidents, report the following in writing to the Animal Control Officer:

- (i) The removal from Eaton County or death of a Vicious Animal.
- (ii) The birth of offspring of a Vicious Animal.
- (iii) The new address of a Vicious Animal if the owner moves within Eaton County limits.
- (iv) The animal is on the loose, has been stolen or has attacked a person.

11.3. Failure to Comply. If the owner, keeper or harbinger of a Vicious Animal resident within the County of Eaton fails to comply with the requirements and conditions set forth in this Section, in addition to the owner being cited for the violations, the animal shall be subject to immediate seizure and impoundment and further disposition in accordance with this Ordinance.

SECTION 12. PENALTIES AND ENFORCEMENT PROCEDURES

12.1. State Law Offenses. Violations of the ordinance that are also violations of State law may be prosecuted under either.

12.2. Municipal Civil Infraction Citations. A person who violates this ordinance shall be deemed responsible for a municipal civil infraction, the penalty for which, shall be a civil fine plus any cost, damages, expenses and other sanctions, as authorized under Chapter 87 of 1961 PA 236, as amended, being MCL 600.8701 *et seq.*, and other applicable laws.

12.3. Authorized Enforcement Officials. The Chief Animal Control Officer, his/her designees, and deputies, and deputies of the Eaton County Sheriff, are the County officials authorized to issue municipal civil infraction citations and municipal civil infraction violation notices for violations of this Ordinance.

(a) Municipal civil infractions may be issued by an authorized enforcement official when he/she personally observes the violation. A municipal civil infraction may also be issued by an authorized enforcement official who after investigation has reasonable cause to believe that a violation occurred and it is approved by the Prosecuting Attorney prior to its issuance.

12.4. Service of Municipal Civil Infractions. Municipal civil infractions should be served personally if possible. If personal service cannot readily be obtained, municipal civil infractions may be served by first class mail. When served by mail, the defendant's correct name and address shall be confirmed prior to mailing.

12.5. Municipal Civil Infraction Citations; Contents.

(a) A municipal civil infraction citation shall contain:

- (i) A description of the violation;
- (ii) The time within which the alleged violator must contact the Bureau for purposes of admitting or denying responsibility;
- (iii) The address and telephone number of the Bureau;
- (b) Further, the citation shall inform the alleged violator that he or she may do one of the following:
 - (i) Admit responsibility for the municipal civil infraction within the time specified for appearance and pay the specified fine by mail or in person;
 - (ii) Admit responsibility for the municipal civil infraction "with explanation" within the time specified for appearance by mail or in person, or by representation; or
 - (iii) Deny responsibility for the municipal civil infraction and requesting either an informal or formal hearing in the matter.

12.6. Establishment of Municipal Civil Infractions Violations Bureau. The Municipal Civil Infraction Violations Bureau for disposition of municipal civil infractions is the Eaton County 56A District Court Office, 1045 Independence Boulevard, Charlotte, Michigan.

12.7. Fines. A person, corporation or firm, who accepts responsibility for, or is found responsible for a municipal civil infraction under this ordinance, shall pay a civil fine of not less than \$75 and not more than \$500, plus costs for each infraction. A fine schedule shall be determined and posted at the 56A District Court.

SECTION 13. MISCELLANEOUS.

13.1. Rules of Construction. When not inconsistent with the context, words used in the present tense include the future and past tenses. Words in the singular include the plural and words in the plural include the singular. Masculine includes the feminine and neuter. Words or terms not defined in this Ordinance shall be interpreted in accordance with their common meaning. The words "shall" and "will" are mandatory and not merely directive. Headings are inserted for convenience and shall not limit or increase the scope of any provision or Section of this Ordinance.

13.2. Severability. If any part of this Ordinance shall be held unconstitutional or void, such part shall be deemed severable and its invalidity shall not affect the remaining parts of this Ordinance.

13.3. Safety Clause. Eaton County hereby finds, determines, and declares that this Ordinance is necessary for the immediate preservation of the public health, safety, and welfare of the cities of the County, the County, and the inhabitants.

SECTION 14. REPEAL AND SAVINGS CLAUSE.

14.1. Repealer. All Ordinances or parts of Ordinances inconsistent with this Ordinance are repealed to the extent they are in conflict with this Ordinance. However, any and all civil and criminal actions arising out of any Ordinance repealed by this Ordinance which are pending in a court of this State, or otherwise vested on the effective date of this Ordinance shall not abate and shall be saved and may proceed to conclusion pursuant to the terms of the repealed Ordinance.

SECTION 15. ADOPTION OF ORDINANCE.

15.1. Adoption; Effective Date. This Ordinance shall be adopted only after a majority of the Commissioners elected and serving shall vote in favor of its adoption. The Clerk of the Board of Commissioners shall then endorse this Ordinance and the Chairperson of the County Board of Commissioners shall sign this Ordinance, which shall then be certified by the Clerk before it is considered adopted. This Ordinance shall then take

effect seven (7) days after the date that it is published in a newspaper of general circulation in Eaton County. The County Clerk shall certify the publication.

Effective (date) _____

Chairman, Board of Commissioners

Clerk, Board of Commissioners

I, _____, Clerk of the Circuit Court for said County of Eaton do hereby certify that the foregoing is a true copy of a record now remaining in the Office of the Clerk of said County and Court. In testimony whereof, I have hereunto set my hand, and affixed the seal of said Court and County, at the City of Charlotte, this _____ day of _____ AD, 2012.

BY

Clerk

Michigan Department of Community Health Communicable Disease Division

Bites and Scratches from Zoo/Exotic Animals: Risk for Rabies?

Whenever a person is bitten by an animal, there should be an assessment made as to the risk of rabies infection.

- Rabies is a virus that can infect any mammal, including humans. It produces an infection of the nerves and brain, leading to death if timely treatment is not given.
- An infected animal sheds the virus in its saliva, and can transmit the virus to another animal or a person when it bites or when its saliva gets into an open wound or into the eyes, nose or mouth.
- Human rabies is rare in the United States, but some wildlife species such as bats and skunks maintain the virus in the wild. Unvaccinated animals occasionally become infected from contact with wildlife.
- Because rabies is a fatal disease, concerns for human health may outweigh concerns about animal health.

The following are some of the questions that should be asked whenever someone is bitten or scratched by a zoo or exotic animal, whether it is in a public or private exhibit.

What is the species of the biting/scratching animal?

- Only mammals are susceptible to infection with the rabies virus.
- Bites or scratches from species other than mammals do not pose a risk of rabies.
- If the biting/scratching animal is a primate, it is important to assess the risk of herpes B virus infection (macaque monkeys are a primate species of particular concern).

What is the health of the biting/scratching animal?

- Scientific studies have shown that rabies infected dogs, cats and ferrets have rabies virus present in their saliva and are contagious a few days before symptoms occur, and die within a few days once symptoms begin.
- Rabies infected animals may show signs of inflammation of the brain, including unusual behavior, aggression, incoordination, seizures, etc, or they may be lethargic and unable to move.
- Any biting animal that is showing signs of rabies should be immediately euthanized (humanely killed) and tested for rabies.

How is the animal housed? Does it have an opportunity to be exposed to animals that could be infected with rabies (bats, skunks, raccoons)?

- Mammals that are housed in such a way that they have no opportunity to be exposed to rabies infected wildlife (kept strictly indoors, no contact with any other animals) are at very low risk of being infected with rabies.

Michigan Department of Community Health Communicable Disease Division

- Any animal that is newly arrived to the zoo and that may have been exposed to other animals should be quarantined for a period of time before being placed on display, to preclude the spread of infectious diseases such as rabies.

How did the bite or scratch occur?

- Any wild or exotic animal has the potential to cause injury to humans.
- Unlike domesticated animals such as dogs, cats, horses, cows, etc., exotic and wild animals have not been bred to accept contact from human beings. Their natural tendency is to protect themselves when they feel threatened. Any situation in which a person strives for direct contact with an exotic or wild animal, or enters that animal's territory may **provoke** an attack. This behavior is not considered to be unusual for wild animals.

The biting/scratching animal has been vaccinated against rabies. Does that mean that it could not be infected with rabies?

- Rabies vaccines have been developed for use in several species of domestic animals, and these vaccines have been tested to assure that they are effective in preventing infection in the species of animal for which they were developed.
- There are no vaccines available that have been proven to be effective in exotic or wild animals.
- Many exhibits and zoos vaccinate their valuable animals with rabies vaccine approved for use in other species (off-label use). This is done for the animal's protection. It is not known if the vaccines are effective in preventing rabies infection in exotic or wild species of animals after a bite from a rabid animal.

How can you be sure that the biting/scratching animal is not infected with rabies?

- The only way to be certain that an animal is not infected with rabies is to test the brain. Therefore, testing the animal for rabies requires that the animal be euthanized (humanely killed).
- There is no reliable test that can be done on a live animal.

Can the biting/scratching animal be quarantined and observed for signs of rabies?

- There is significant scientific information that dogs, cats and ferrets only shed virus for 2-3 days prior to becoming sick, and they die within a few days of becoming ill. This is the basis of our 10 day quarantine for these species following a bite.
- Zoo and exotic species are wild animals, and there is little information on rabies virus shedding in these species. For that reason, the 10-day quarantine cannot be applied to bites involving zoo and exotic species.
- In certain low risk situations, the decision may be made to place the animal under quarantine for a minimum of 30 days. This should be sufficient time to be assured that virus was not present in the animal at the time of the bite, as rabies is a uniformly fatal disease when not treated.

Michigan Department of Community Health Communicable Disease Division

Is there a treatment to prevent rabies in a person who is potentially exposed to rabies?

- Rabies in humans is rare (about 1-2 cases per year in the U.S.), but the outcome is always fatal without treatment.
- The only way to prevent the disease from developing in a person bitten by a rabid animal is to administer treatment, called post-exposure prophylaxis (PEP).
- This treatment includes an initial injection of immune globulin (antibodies) and an injection of vaccine (in most cases given in the muscle of the upper arm) beginning shortly after the exposure, with additional doses of vaccine given on days 3, 7, 14 and 28 after the first day of treatment (called day 0).
- This treatment is 100% effective against rabies when given according to protocols.
- Ideally PEP should start as soon as possible after the exposure. Rabies PEP is considered a medical urgency, not an emergency.
- If the animal that caused the bite or scratch is available and can be tested for rabies, then treatment can wait for testing to be completed.
- If testing determines that the animal was not infected with rabies, then no treatment is necessary.

What steps should be taken when a person is bitten or scratched by a zoo/exotic animal?

- The injury will be assessed and the need for emergency care will be determined.
- The bite victim will be asked to identify the animal that caused the injury.
- An incident report will be completed.
- The bite victim will be sent for medical care; the need for a tetanus booster and antibiotics will be evaluated.
- The incident will be reported to the local health department and local animal control agency.
- The animal will be removed from display.
- The local health department will make an assessment of the situation with regard to the risk of rabies for the person.
- Depending on the risk assessment, the animal may be euthanized and tested for rabies, or quarantined for an agreed upon period of time.
- Alternatively, the bite victim may decide to undergo rabies post-exposure treatment with the animal quarantined for an agreed upon period of time.

Protocol For Zoo/Exotic Animal Bites to People

Stabilize Victim/Call 911 if necessary

Contact Zoo Veterinarian/ Head Curator/ Director:
_____ (phone)

Fill out facility incident report

Provide Rabies fact sheet to victim

Send victim to receive medical attention

Victim is Volunteer/ Public:

Contact Local Health Department and report:

- Where bite occurred
- Victim name/date of birth/address/contact #
- Species of animal involved
- Circumstances of the bite

Local Health Department:

517-541-2641 (weekday)

517-541-2683 (after hours)

For additional information:

Michigan Department of Community Health:

517-335-8165 (weekday)

517-335-9030 (after hours)

Department of Agriculture:

517-373-1077 (weekday)

517-373-0440 (after hours)

Victim is Zoo Employee:

Contact local hospital or
occupation health office:
_____ (phone)

Contact Animal Control
Eaton
517-543-5755 (phone)
Barry 269-948-4805

Wildlife:

Carnivore: euthanize
and submit for
Rabies testing

Other: Immediate
quarantine pending
instruction

Zoo animal:

Institute
immediate
quarantine
until instructed
to do
otherwise

Michigan Rabies Working Group 5/08

MODEL ZOO/EXOTIC ANIMAL BITE LETTER
[PLACE ON AGENCY LETTERHEAD]

[Date]

[Victim's name
Address]

Dear [victim's name]

It has been reported to our agency that on [date] you were bitten by a [species name of wild/exotic/hybrid animal], owned by [business/non-profit/owner], [business/non-profit/owner's address]. Only mammals are susceptible to infection with rabies virus. On average, about 50 cases of rabies are confirmed in Michigan annually. Most occur in wild animals—primarily bats and skunks—but those animals can also spread the virus to our pets and to us. Therefore, whenever someone is bitten by an animal, rabies is a potential concern. Rabies is transmitted when saliva from an infected animal gets into an open wound or mucous membrane. Rabies in humans is rare (about 1-2 cases per year in the U.S.), but the outcome is almost always fatal. The only way to prevent the disease from developing in a person bitten by a rabid animal is to administer **treatment**, called post-exposure prophylaxis (PEP), as soon as possible after the bite. This treatment includes an initial injection of antibodies (immune globulin) and an injection of vaccine (in most cases given in the muscle of the upper arm) —called Day 0 of treatment, with additional doses of vaccine given on days 3, 7, 14 ~~and 28~~ of the PEP protocol. PEP is 100% effective against rabies when given according to this protocol. Ideally post-exposure treatment should start as soon as possible after exposure. Rabies treatment is a medical urgency, not an emergency.

Therefore, it is important to determine your risk of exposure to rabies as soon as possible after being bitten by an animal. There is significant scientific information that dogs, cats, and ferrets only shed virus (are infectious) for 2-3 days prior to becoming sick, and they die within a few days of becoming ill. This is the basis of our 10 day quarantine for these species following a bite. [wild/exotic/hybrid species] are wild animals, and there is little information on rabies virus shedding (infectious period) in this species. For that reason, the 10-day quarantine period cannot be applied in this situation. The only reliable way to know if this animal is rabid is to test its brain, which requires that the animal be euthanized (humanely killed) and its head sent to the Michigan Department of Community Health's Bureau of Laboratories. This is in accordance with CDC's Immunization Practices Recommendations which can be found on the internet at <http://www.cdc.gov/mmwr/preview/mmwrhtml/rr57e507a1.htm>.

Confined or "captive" wild mammals that are not completely excluded from all contact with wildlife can become infected with rabies. Valuable zoo/exotic animals are often vaccinated against rabies using vaccines that are not licensed for use in these species (extra label use). This is for the animal's protection only, and does not influence public health decisions about the need for testing of the animal or human post-exposure treatment following a bite. **Note that there is no rabies vaccine approved for [wild/exotic/hybrid species] because there have been no studies done to confirm that the vaccine will protect this species against infection with rabies virus.**

Occasionally, an animal may be placed under a minimum 30 day quarantine instead of being euthanized and tested. This would be sufficient time for the animal to develop signs of rabies, if it were infected at the time of the bite. However, such a quarantine may place you at risk. If the animal were to develop signs of rabies, you would likely be past the optimum time to receive

MODEL ZOO/EXOTIC ANIMAL BITE LETTER
[PLACE ON AGENCY LETTERHEAD]

preventive treatment. These situations require consultation between you, your physician and public health authorities. You may elect to undertake rabies post-exposure treatment in addition to quarantining the animal, understanding the fact that the risk of rabies is low but not zero.

[Victim' name], in this specific situation, has agreed to the following, based on a thorough risk assessment:

[Choose one option/delete other]

Option 1: [Health agency], in consultation with the Michigan Department of Community Health, has determined that this bite represents significant risk for exposure to rabies. Therefore, it is recommended that the [wild, exotic/hybrid species] be immediately euthanized and its brain examined for rabies. The decision to begin rabies PEP will depend on the results of this testing. [Health agency] can facilitate this process.

Option 2: [Health agency], in consultation with the Michigan Department of Community Health, has determined that this bite incident represents a low risk of exposure to rabies. The only way to be certain that the biting animal is not infected with rabies is to euthanize the animal and test its brain. As agreed, instead of euthanizing the animal, our agency and [Michigan Department of Agriculture/local animal control agency] will issue the quarantine order for the [wild/exotic/hybrid species] involved with this bite. Following a health exam by a veterinarian, the animal will be confined to [where] ~~and~~ not be exposed to new animals during the quarantine period. Only the animal's caretaker should have contact with the animal. The animal should not be moved from the jurisdiction of the [health department]. Should the animal become sick during the quarantine period, [business/non-profit/owner] will be instructed to call the health department immediately and will be required to have the animal examined by a veterinarian. If the animal is showing signs of rabies, it will be ordered euthanized and tested immediately. If the animal dies for any reason, it should be immediately tested. At the end of the [___] - (minimum 30) day quarantine the owner has agreed to have a licensed veterinarian provide documentation that the animal is healthy.

You can find more information on rabies in Michigan at the Michigan Department of Community Health's emerging disease website at www.michigan.gov/rabies, and the Center for Disease Control and Prevention's Rabies website at www.cdc.gov/rabies/.

Please discuss this information with your physician as soon as possible. If you have any additional questions, please call us at [agency contact info].

Sincerely,

[Name Health Department Officer]
[Title]
[Health Department]

CC: [physician]
[business/non-profit/owner]

POTBELLY PIG REGULATIONS

-MIDLAND, MI

-RIVERSIDE, CA

-WAUKESHA, WI

Chapter 3
ANIMALS AND FOWL*

* **State Law References:** Cruelty to animals, M.S.A., §§ 28.161, 28.245.

Art. I. In General, §§ 3-1--3-15

Art. II. Dogs, §§ 3-16--3-33

ARTICLE I.

IN GENERAL

(Reserved)

Secs. 3-1--3-15. Reserved.

ARTICLE II.

DOGS*

ARTICLE III.

FARM ANIMALS

* **State Law References:** Dog law, M.S.A., §§ 12.511 et seq.; rabies control generally, M.S.A., § 14.311 et seq.

Sec. 3-16. Dog warden; designation; status.

The dog warden of the County of Midland is hereby designated as dog warden for the city. Such warden shall not be considered an employee of the city and shall receive no salary or benefits from the city.

Sec. 3-17. Running at large prohibited.

It shall be unlawful for any person to permit or allow any dog, whether licensed or unlicensed, to run at large or stray beyond the premises of such owner unless under reasonable control of some person.

State Law References: Similar provision, M.S.A., § 12.512.

Sec. 3-18. Howling dogs.

No person shall harbor or keep any dog which by loud or frequent or habitual barking, yelping or howling shall cause a serious annoyance to the neighborhood or to the people passing to and fro upon the streets.

Sec. 3-19. Dog odors.

No person shall harbor or keep any dog which shall create an unpleasant odor in the neighborhood.

Sec. 3-20. Acts, conditions declared nuisances.

All acts or conditions prohibited by this article are hereby declared to be nuisances, with the exception of the licensing and impoundment provisions of this article.

Sec. 3-21. License tag to be worn by dogs.

It shall be unlawful for any person to keep, possess, harbor or have the care or charge of any dog, age four (4) months or over within the city, unless such dog shall wear a collar to which is attached the license tax provided for by the state law.

Cross References: Licenses and business regulations, Ch. 15.

State Law References: Dog tags, M.S.A., § 12.512 et seq.

Sec. 3-22. Disposition of biting, rabid dogs.

It shall be the duty of any person harboring or owning a dog which has been attacked or bitten by another dog or other animal showing the symptoms of rabies, to immediately notify the dog warden or health department that he has such a dog in his possession. Whenever a dog is brought to the pound for having bitten a person, the dog warden may, if deemed necessary and advisable, and after holding such dog for sufficient length of time to meet the requirements of the health department for investigation, cause such a dog to be destroyed as a vicious dog.

Sec. 3-23. Warden authorized to pick up, impound dogs, police powers.

It shall be duty of the dog warden to enforce the provisions of this article. He is authorized to pick up and impound dogs at a dog pound. Such dog warden shall have all power and authority of a police officer of the city in the enforcement of this article.

Sec. 3-24. Warden to keep impoundment record.

The dog warden shall keep a record of the breed, sex, age, color, and markings of every dog impounded, together with the date and hour of such impounding.

Sec. 3-25. Weekly report to chief of police.

The dog warden shall make a weekly report to the chief of police showing the number and sex of all dogs impounded during the week in the city and the disposition of such dogs.

Sec. 3-26. When person presumed dog owner.

Every person in possession of any dog who shall allow such dog to remain about his premises for a period of five (5) days shall be deemed the owner thereof.

Sec. 3-27. Notice to owner of impoundment.

It shall be the duty of the dog warden, as soon as any dog may be received by him under the provisions of this article, to serve notice in writing upon the owner or owners of such dog, if such owner or owners be known. It shall be the duty of the dog warden to reasonably ascertain who the owner or owners of any impounded dog are.

Sec. 3-28. Disposition of impounded animals.

All dogs placed under the custody of the dog warden shall be kept by the dog warden for at least five (5) days, and if the owner or owners cannot then be ascertained, the dog shall be disposed of in the following manner:

(a) If the dog is diseased in the opinion of the dog warden and is not being held under the provisions of section 3-22, it shall be immediately disposed of by killing in a humane manner.

(b) If the dog appears to be a mixed breed, it may be held for sale for a period of five (5) days and if not sold then, be killed in a humane manner.

(c) If the dog appears to be a thoroughbred dog, it may be held for a period of one month, and if not sold within one month, it shall be killed in a humane manner.

Sec. 3-29. Redemption of impounded dogs.

Owners of all dogs impounded under the provisions of this article may claim such dogs by properly identifying themselves as the owner of such animal, and by paying the fees for boarding and impounding which have been duly established. In all cases a proper license shall be produced for such dog in the event that such dog is not already properly licensed.

Sec. 3-30. Unlawful for nonowner to claim dog.

It shall be unlawful for any person to claim or attempt to claim any dog under the provisions of this article when such person is not the legitimate owner of such dog.

Sec. 3-31. Records upon sale, return of dog.

The dog warden, when delivering a dog which has been impounded, to the owner or to a purchaser, shall make out a triplicate receipt describing the dog, stating the hour and date of its delivery, and stating whether the receipt is for the sale of a dog or for the keep of a dog. The dog warden shall keep one receipt, give one to the owner or purchaser, and return one copy and the funds collected to the county treasurer.

Sec. 3-32. Sale fee.

Fees for the sale of dogs taken up by the dog warden shall be determined by the dog warden, and shall be in addition to any impounding fee and any per day fee.

Sec. 3-33. Removal of dead dogs.

The dog warden shall upon notice, have the duty of immediately picking up any dead dog that may be found lying or abandoned upon any street or elsewhere within the city limits, and removing such dead dog to the dog pound.

Cross References: Garbage and trash, Ch. 10.

ARTICLE III.

FARM ANIMALS

Sec. 3-40. Animals—Keeping, Harboring, Breeding.

It shall be unlawful to keep, harbor or breed any farm animal as defined in the City of Midland Zoning Ordinance, being Ordinance No. 1585, except (1) farm animals kept in that portion of the city zoned for agricultural purposes, or (2) animals used in a parade or for providing rides on a temporary basis for which a permit has been issued, or (3) animals kept as part of a show or event at the Midland County Fairgrounds, or (4) miniature pigs subject to the provisions of Division 2 of this article.

Sec. 3-41. Definition—Miniature Pigs.

As used in this article a miniature pig shall mean a pig that does not exceed a weight of 40 pounds at maturity.

Sec. 3-42. License Required.

(a) All miniature pigs kept within the city shall be licensed annually by the City Clerk of the City of Midland within seven (7) days of the time the animal is taken to its place of residence. Said license shall apply to a specific miniature pig, the person responsible for harboring the miniature pig, and the specific premises where the miniature pig is kept. Said miniature pig license shall not be transferable from one animal to another, from one person to another, or from one premises to another. Application and renewal for licensure shall include all of the following:

1. A current health certificate from a licensed veterinarian which attests to the weight and general health of the animal.

2. Payment of an annual fee of \$25.00.

(b) A miniature pig license shall continue to be valid until such time as:

1. The annual renewal fee is not timely paid in accord with the license application.
2. A current health certificate from a licensed veterinarian is not provided upon renewal.
3. The miniature pig is no longer maintained at the licensed location.
4. The licensee no longer resides at the location stated in the license.
5. The license is revoked.

Sec. 3-43. Running at large prohibited.

A miniature pig shall reside in the residence of the owner as a pet and shall not be kept outdoors with exception of periods for exercise and for elimination of waste. It shall be unlawful for the owner of any miniature pig to permit such animal to run at large. Any miniature pig shall be deemed to be running at large unless on a leash, under control of an accompanying person or confined within a motor vehicle, building, fence, or other enclosure of sufficient construction so as to prevent the miniature pig from escaping.

Sec. 3-44. Limitation.

It shall be unlawful for any person to maintain more than one miniature pig at one licensed premises. Each dwelling licensed to harbor a miniature pig may harbor only one miniature pig. All locations where miniature pigs are kept shall be maintained in a clean and sanitary condition.

Sec. 3-45. Breeding and health.

It shall be unlawful for any person to maintain a miniature pig, which (a) is not spayed or neutered upon reaching maturity, or (b) has not undergone a blood test to show the animal is free from pseudo rabies, or (c) is maintained as a food source.

Sec. 3-46. License suspension or revocation.

The City Clerk may suspend or revoke any license once granted, or deny annual renewal thereof, when any provision of this division has been violated. Prior to suspension or revocation of any license, or upon denial of an application for renewal thereof, written notice for such action shall be given to the owner of the miniature pig.

Sec. 3-47. Violations.

Violation of this article shall constitute a municipal civil infraction as provided in Chapter 34 of this Code of Ordinances and may result in revocation of the miniature pig license.

(Ord. No. 1711, § 1, 11-22-10)

Chapter 8.19**POT-BELLIED PIGS****Sections:**

8.19.010	Purpose.
8.19.020	Definition.
8.19.030	Administration and enforcement.
8.19.040	License, compliance with regulations.
8.19.050	Licensing procedures.
8.19.060	Issuance, term, renewals.
8.19.070	Regulations.
8.19.080	Revocation of license.

Section 8.19.010 Purpose.

Miniature pot-bellied pigs are increasing in popularity as domesticated pets and the keeping of not more than two such animals on any single family residentially zoned property, excluding the RA-5 and RC zones, is permitted in the City. However, as such animals are still livestock notwithstanding size, the keeping of such animal needs to be closely regulated and controlled to insure that such animal does not become a nuisance or danger to the general public and the neighborhood in which it is kept. The City Council finds that the keeping of pot-bellied pigs so as not to create a nuisance can be reasonably accommodated by licensing and other restrictions. (Ord. 6213 § 1 (part), 1995)

Section 8.19.020 Definition.

For the purposes of this chapter, the words "pot-bellied pig" shall mean a domesticated miniature Vietnamese, Chinese or Asian pot-bellied or pot-belly pig not exceeding one hundred twenty-five pounds in weight and eighteen inches in height measured at the shoulder. (Ord. 6213 § 1 (part), 1995)

Section 8.19.030 Administration and enforcement.

The provisions of this Chapter shall be administered and enforced by the City's duly appointed and acting Animal Control Director as defined by this Title and the deputies of such Animal Control Director. In addition, the provisions of this Chapter may be enforced by any code compliance officer of the City. (Ord. 6213 § 1 (part), 1995)

Section 8.19.040 License, compliance with regulations.

Notwithstanding the provisions of Title 19 of this code, it is unlawful for any person to own or have custody, control or possession of any pot-bellied pig within the City unless such pig is licensed pursuant to the provisions of this Chapter within ten calendar days upon said pig's entry to the City and unless said pig complies with the regulations as set forth in this Chapter. (Ord. 6213 § 1 (part), 1995)

Section 8.19.050 Licensing procedures.

Any person owning or having custody or control of a pot-bellied pig within the City may obtain a license for such pig from the Animal Control Director in accordance with the following procedures:

A. Application. File with the Animal Control Director an application on a form provided by the City which shall contain the following information:

1. The name and address of the applicant and the address of the property upon which the pot-bellied pig is to be kept;

2. The name, age and weight of the pot-bellied pig including any identifying marks or tattoos;

3. Such other information as the Animal Control Director deems appropriate.

B. License Fee. The application shall be accompanied by a nonrefundable license fee in an amount as may be established by resolution of the City Council.

C. Veterinary Certification. The application shall be accompanied by a statement signed by a licensed veterinarian certifying that the pot-bellied pig has been spayed/neutered, that the pig is in good health and has received all necessary vaccinations, and the height and weight of the pig. Such certification shall be no older than thirty calendar days when submitted to the Animal Control Director. (Ord. 6213 § 1 (part), 1995)

Section 8.19.060 Issuance, term, renewals.

A. Issuance of License. The Animal Control Director shall issue a license for the keeping of a pot-bellied pig on a lot within the City zoned for such use upon the filing of a completed application and a finding that the animal meets the requirements set forth in subsections A through D of Section 8.19.070.

B. Term of License. Any license issued pursuant to this chapter shall be valid for a period of one year from the date of issuance; provided, however, any license expiring on a Saturday, Sunday or holiday, shall be valid until the next work day.

C. Renewals. Any license issued pursuant to this chapter may be renewed for periods of one year each upon the filing of an application for such renewal with the Animal Control Director accompanied by a nonrefundable renewal fee in an amount as may be established by resolution of the City Council. The renewal application shall be on such form as provided by City. The Animal Control Director shall issue such renewed license unless it is found that the pot-bellied pig is not in compliance with the regulations as set forth in Section 8.19.070. (Ord. 6213 § 1 (part), 1995)

Section 8.19.070 Regulations.

The owner or person having custody, control or possession of a pot-bellied pig within the City shall comply with the following regulations:

A. Spayed/Neutered. The pot-bellied pig shall be spayed or neutered.

B. Weight. The pot-bellied pig shall not weigh more than one hundred twenty-five pounds.

C. Height. The pot-bellied pig shall not exceed eighteen inches in height as measured from the shoulder of said animal.

D. De-tusked. Any male pot-bellied pig two years of age or older must have his tusks removed.

E. Confinement on Premises. Each pot-bellied pig shall be provided with a fenced yard designed to assure that the animal is confined and managed in a safe, clean and odor-free manner when out-of-doors. Notwithstanding any other provision of this code, the pot-bellied pig may be kept as a pet in the residence on the lot upon which said pig resides.

F. Leash Requirements. Each pot-bellied pig while on a street, sidewalk or other public place shall be restrained by a harness and leash or similar restraint not longer than six feet in length held by a competent person. (Ord. 6213 § 1 (part), 1995)

Section 8.19.080 Revocation of license.

The license for a pot-bellied pig issued pursuant to this chapter may be revoked by the Animal Control Director upon the finding that the provisions of Subsections A through D of Section 8.19.070 have been violated and not corrected within ten calendar days of issuance by the Animal Control Director or a deputy of the Animal Control Director of a notice of such alleged violation or within such longer period as may be specified in the notice of violation. Upon failing to correct the violation within the required time, the Animal Control Director shall issue a written notice of the revocation of the license and the pot-bellied pig must be removed from the City within ten calendar days thereafter or such longer period as may be set forth in the notice of revocation. (Ord. 6213 § 1 (part), 1995)

CHAPTER 11
Orderly Conduct

11.24 Birds and Animals

(1) PROTECTION OF BIRDS AND ANIMALS. (Rep. & recr. #15-84) No person shall, within the City, catch, kill, wound, worry or molest any bird, destroy or injure the nest or eggs of any bird, nor shall any person permit any dog or animal belonging to them, or in their charge, custody or control, to chase, worry, molest, destroy or catch any animal or bird within the City excepting rats and mice. Any animal or bird that is deemed to be a nuisance may be dealt with as prescribed by the Chief of Police or Humane Animal Welfare Society. This section does not prohibit the City nor other proper authority to manage wildlife within the municipal boundaries of the City.

(2) RUNNING AT LARGE. The owner or keeper of one or more horses, mules, cattle, sheep, goats, swine, chickens, geese, ducks, pigeons or other domestic fowl shall prevent them from running at large in any part of the City.

(3) PIGS AND GOATS. (Am. #25-02)

(a) No person shall keep any pigs or goats except in conformity with the following requirements.

1. No pig or goat shall be kept or permitted in any building, shelter, yard or enclosure unless it be at least 200 yards from any residence, street or highway.
2. All unconsumed food and excreta from the animals shall be removed daily by burying the same in the ground.
3. The floor of any building or shelter in which the animals are kept, fed or housed, shall be washed daily and the washings disposed of in a drywell.

(b) The provisions of (a) do not apply to or include the species *sus scrofa*, more commonly known as a Vietnamese Pot Bellied Pig. Persons keeping Vietnamese Pot Bellied Pigs in the City must comply with the following requirements:

1. Every owner of a Vietnamese Pot Bellied Pig shall pay a license fee and obtain a license in the same manner as is provided for the licensing of dogs under §§174.05 and 174.07, Wis. Stats., respectively.
2. Vietnamese Pot Bellied Pigs must be spayed or neutered prior to receiving the license required by §11.24(3)(b)1. above.

SURVEY OF LANSING AREA COMMUNITIES REGARDING THE
REGULATION OF PETS, LIVESTOCK & WILD ANIMALS

--DELHI TOWNSHIP

--CITY OF EAST LANSING

--CITY OF LANSING

--WILLIAMSTON TOWNSHIP

--WATERTOWN TOWNSHIP

--MERIDIAN TOWNSHIP

Delhi Township

Questionnaire Survey Regarding Pets, Livestock and Wild Animals Delta Township - 2013

1. Does your community have an ordinance which outlines the following?
 - Livestock **We define livestock in the ordinance and provide general, but not exclusive, examples.... Our examples include: cattle, hogs, horses, birds, poultry, sheep, "and similar", etc.**
 - Pets **We stipulate that any property that has more than four cats, dogs or "other household pets" is a kennel. Kennels are permitted by SUP in our Agricultural zoning district only. The test we use for "household pet" is whether or not you could go to a typical pet store and purchase the animal. We have consistently used this test for many years and it has held up.**
 - Service Animals **No distinction is made between this type of animal and the regulations regarding the number of pets before a property is considered to be operating a "kennel".**
 - Emotional Support Animals (Companion Animals) **No distinction is made between this type of animal and the regulations regarding the number of pets before a property is considered to be operating a "kennel". Also, aren't all pets that are kept by humans "emotional support animals"? If we didn't get receive something positive from pets (i.e. "animals we don't eat"), why would we keep them? How would you differentiate this from any other pet? Would a doctor provide a written "prescription" specifying that the only type of animal that would provide *emotional support* for a particular patient was a pig or a chicken, etc.?**
 - Miniature Pet Pigs **Pigs would be classified as "livestock" under our ordinance. Webster's defines a "pig" as follows: a) a young domesticated swine not yet sexually mature; broadly: a wild or domestic swine. A "hog" is defined as follows: a domestic swine especially when weighing more than 120 pounds (54 kilograms); broadly: any of various wild and domestic swine. Pigs, hogs & swine are all the same thing. Additionally, miniature pigs are not commonly and typically available for sale at pet stores in this area.**
 - Kennel **See discussion above.**
2. Does your community have an ordinance which prohibits livestock in residential zoning districts?
 - Yes **Delhi Township just went through the process of extensively evaluating whether or not "urban chickens" should be permitted within residential districts. The Planning Commission did not recommend that the ordinance be changed to permit urban chickens. The current regulations were maintained. Specifically, that a property owner may have livestock (including chickens) on any property that is zoned A-1:**

Agricultural and any R-1A: Rural Residential property containing 40,000 sq.ft. of area or more. Livestock of any kind is not permitted on any other property.

3. Does your community have an ordinance which specifically pertains to pets?
 - Yes (if yes, please provide the section number of the ordinance _____) **See discussion above regarding "kennels". No residentially zoned property may have more than 4 adult cats/dogs/pets. Having more classifies them as a "kennel", which is permitted only in the A-1: Agricultural zoning district, with a Special Use Permit.**
4. Does your community license any animals other than dogs?
 - No. **However, there have been recent serious discussions about outdoor cats, which are becoming a significant problem in some areas. There has been some limited Board discussion about methods that might be available to regulate the number of cats roaming the neighborhoods. One suggestion included requiring licensing. No action has been initiated yet on this issue.**
5. Does your community have an ordinance which limits the number of adult **dogs** which may be kept on a residentially zoned property?
 - Yes **See "kennel" discussion above.**
2. Does your community have an ordinance which limits the number of adult **cats** which may be kept on a residentially zoned property?
 - **See "kennel" discussion above. 4.**
6. Which of the following animals does your community permit in residential zoning districts?
 - Rabbits **X (not more than 4)**
 - Goats
 - Lizards **X (not more than 4)**
 - Ferrets **X (not more than 4)**
 - Spiders **X (if commonly available at a typical pet store & not more than 4)**
 - Horses
 - Skunks
 - Poultry
 - Rodents **X (if commonly available at a typical pet store & not more than 4)**
 - Snakes **X (if commonly available at a typical pet store & not more than 4)**
 - Monkeys **X (if commonly available at a typical pet store & not more than 4)**
7. Any comments or concerns you might have regarding the regulation of pets, livestock and wild animals would be appreciated: **enforcement actions regarding pets & livestock is most commonly the result of neighbor complaints. We would not typically become aware that someone had, for example, more than 4 boa constrictors in their living room unless a complaint was made.**

Permitting livestock or non-traditional pets in residential areas is a slippery slope. For example, if a chicken is ok, why isn't a goat, or a cow? If a potbelly pig is ok, why isn't a hog? I think that these decisions need to be made based on what the *majority of the citizenry* desires. In Delhi, it appears that those wanting to keep urban livestock are a very small minority.

Chris Gruba

From: Tim Schmitt <tschmitt@cityofeastlansing.com>
Sent: Tuesday, September 03, 2013 6:28 PM
To: Chris Gruba
Subject: Animal ordinances

Chris,

Got passed your letter by my boss. Pretty much everything we have about animals in our ordinance is located in Chapter 4 of the City Code. Essentially, if you are under four pets, it is fine. Over four becomes a kennel or pet daycare. In terms of types of animals, the ordinance refers to 'commonly kept and housed inside dwellings.' Pretty open to interpretation, but we've never really had an issue. As an aside, we've had potbellied pigs in the City before and we've never had any issues with them. Not many, but a couple is my understanding.

Let me know if you have any other questions. But feel free to crib from our ordinance at will.

Sincerely,

Timothy R. Schmitt, AICP
Community Development Analyst
City of East Lansing
(517) 319-6828

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Chapter 4 - ANIMALS ^[1]

[Sec. 4-1. - Cruelty to animals.](#)

[Sec. 4-2. - Poisoning animals.](#)

[Sec. 4-3. - Birds and birds' nests.](#)

[Sec. 4-4. - Keeping domestic animals and fowl; feeding stray cats; leashes for dogs.](#)

[Sec. 4-5. - Removal of dog droppings.](#)

[Sec. 4-6. - Penalty; citations.](#)

Sec. 4-1. - Cruelty to animals.

No person shall cruelly treat or abuse any animal or bird.

(Code 1994, ch. 107, § 9.91)

Sec. 4-2. - Poisoning animals.

No person shall throw or deposit any poisonous substance on any exposed public or private place where it endangers, or is likely to endanger, any animal or bird.

(Code 1994, ch. 107, § 9.92)

Sec. 4-3. - Birds and birds' nests.

No person, except a police officer acting in his/her official capacity, shall molest, injure, kill, or capture any wild bird, or molest or disturb any wild bird's nest or the contents thereof.

(Code 1994, ch. 107, § 9.93)

Sec. 4-4. - Keeping domestic animals and fowl; feeding stray cats; leashes for dogs.

(a)

Except as provided in this section, no person shall keep or house any animal, bird, or reptile within the city except dogs, cats, canaries, or other animals which are commonly kept and housed inside dwellings as household pets, and in all cases with regard to dogs or cats no person or persons shall keep or house more than four dogs or four cats or a combination making a total of four of both within any dwelling within the city. No dog shall be kept, restrained, confined, or housed in the front yard unless attended by a person who is present in the front yard of any single-family or two-family residence. Horses may be kept for private use in those areas of the city zoned agricultural.

(b)

No person shall place outdoors, or in any other place readily accessible by stray cats, more than one-half pound per day of cat food or food intended for consumption by cats.

(c)

No person shall have at any time outdoors on their property or property leased by them, or in any other place readily accessible by stray cats, more than one-half pound of cat food or food intended for consumption by cats.

(d)

No person owning or in control of any dog shall allow the dog to enter upon any public sidewalk, street, or any other public property unless the dog is being held by a person with a leash or electric leash except as may be otherwise permitted by park rules.

(e)

Notwithstanding paragraph (a) of this section, persons may keep chickens if done so in conformity with all of the following:

(1)

Any person who keeps chickens in the city shall obtain a permit from the city prior to acquiring the chickens. Application shall be made to the city clerk with a fee as determined by council resolution.

(2)

Permits expire and become invalid five years after the date of issuance. A person who wishes to continue keeping chickens shall obtain a new permit on or before the expiration date of the previous permit. Application for a new permit shall be pursuant to the procedures and requirements that are applicable at the time the person applies for a new permit.

(3)

Notwithstanding the issuance of a permit by the city, private restrictions on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include but are not limited to deed restrictions, condominium master deed restrictions, neighborhood association by-laws, and covenant deeds. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping of chickens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

(4)

A person who keeps or houses chickens on his or her property shall comply with all of the following requirements:

a.

Have been issued the permit required under subsection (1) of this section.

b.

Keep no more than four chickens.

c.

The principal use of the person's property is for a single-family dwelling.

d.

No person shall keep any rooster.

e.

No person shall slaughter any chickens.

f.

The chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or an adjoining fenced enclosure at all times. Fenced and covered enclosures are subject to all provisions of [chapter 50](#) (zoning).

g.

A person shall not keep chickens in any location on the property other than in the backyard as defined by the zoning code.

h.

No covered enclosure or fenced enclosure shall be located closer than 10 feet to any property line of an adjacent property.

i.

All enclosures for the keeping of chickens shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure. A covered enclosure or fenced enclosure shall not be located closer than 40 feet to any residential structure on an adjacent property.

j.

All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.

(5)

If the above requirements are not complied with, the city may revoke any permit granted under this section and/or initiate prosecution for a civil infraction violation. Each day a violation exists shall constitute a separate offense.

(6)

A person who has been issued a permit shall submit it for examination upon demand by any police officer or code enforcement officer.

(7)

This section shall not regulate the keeping of chickens in those areas zoned residential agricultural district, RA, or agricultural-A, where the raising of poultry is a permitted principal use when conducted in compliance with the Michigan Right to Farm Act and the Generally Accepted Agricultural and Management Practices promulgated thereunder.

(Code 1994, ch. 107, § 9.95; Ord. No. 1141, 12-5-2006; Ord. No. 1169, 2-20-2007; Ord. No. 1217, 3-3-2009)

Sec. 4-5. - Removal of dog droppings.

No person owning, harboring, keeping, or in charge of any dog shall cause, suffer, or allow such dog to soil, defile, defecate, or to commit any nuisance on any public thoroughfare, sidewalk, passageway, bypass, play area, park, or any place where people congregate or walk, or upon any public property whatsoever, or upon any private property without permission of the owner of said property unless:

(1)

The person who so owns, harbors, keeps, or is in charge of such dog shall immediately remove all droppings deposited by such dog by a sanitary method. The person shall possess a container of sufficient size to collect and remove above-mentioned dog droppings and exhibit the container, if requested by any official empowered to enforce this section.

(2)

The droppings removed from the afore-mentioned areas shall be disposed of by the person owning, harboring, keeping, or in charge of such dog in a sanitary method on the property of the person owning, harboring or in charge of said dog or in an appropriate container provided and maintained in a city park designated for such purpose.

(Code 1994, ch. 107, § 9.95; Ord. No. 1141, 12-5-2006)

Sec. 4-6. - Penalty; citations.

(a)

Any person found responsible for a violation of this chapter shall be responsible for a municipal civil infraction as defined by MCL 600.113, punishable by a civil fine of not less than \$25.00 for the first offense, \$50.00 for the second offense or \$250.00 for a third or subsequent offense, plus costs, damages, expenses, and further orders as provided by [section 1-13](#) of this Code.

(b)

Cases commenced under this chapter shall, to the extent applicable be commenced by the issuance of a citation to the alleged violator as in the manner provided by MCL 600.8707 and shall contain the information required and be processed under the provisions of MCL 600.8709 and MCL 600.8711. Limited duty parking and property maintenance officers appointed by the city manager and assigned to enforcement of the provisions of this chapter under the supervision of the chief of police shall be authorized to issue and serve appearance tickets with respect to any violation of this chapter.

(Code 1994, ch. 107, § 9.96)

FOOTNOTE(S):

--- (1) ---

Cross reference— Environment, ch. 14. ([Back](#))

Questionnaire Survey Regarding Pets, Livestock and Wild Animals
Delta Township - 2013

1. Does your community have an ordinance which outlines the following?
 - Livestock ☒
 - Wild Animals ☒
 - Pets ☒
 - Service Animals ☐
 - Emotional Support Animals (Companion Animals) ☐
 - Miniature Pet Pigs ☐
 - Kennel ☒
2. Does your community have an ordinance which prohibits livestock in residential zoning districts?
 - Yes ☒
 - No ☐
3. Does your community have an ordinance which specifically pertains to pets?
 - Yes ☒ (if yes, please provide the section number of the ordinance 220-79)
 - No ☐
4. Does your community license any animals other than dogs?
 - Yes ☒ (if yes, please list other animals that are licensed ☐)
 - No ☒
5. Does your community have an ordinance which limits the number of adult **dogs** which may be kept on a residentially zoned property?
 - Yes ☒ (if yes, how many dogs are permitted? 3)
 - No ☐
6. Does your community have an ordinance which limits the number of adult **cats** which may be kept on a residentially zoned property?
 - Yes ☒ (if yes, how many cats are permitted? ☐)
 - No ☒
7. Which of the following animals does your community permit in residential zoning districts?
 - Rabbits ☐
 - Goats ☐
 - Lizards ☐
 - Ferrets ☐
 - Spiders ☐
 - Horses ☒ - depending on lot size
 - Skunks ☐
 - Poultry ☐
 - Rodents ☐
 - Snakes ☐
 - Monkeys ☐
8. Any comments or concerns you might have regarding the regulation of pets, livestock and wild animals would be appreciated: _____

*City of Grand Ledge, MI
Friday, August 30, 2013*

Chapter 220. ZONING

Article XVIII. General Provisions

§ 220-79. Keeping of animals.

[Amended 7-27-1998 by Ord. No. 442-98.2]

A. Household pets.

(1) The keeping of household pets, including dogs, cats, fish, birds, hamsters and other animals generally regarded as household pets, is permitted as an accessory use in any zoning district.

(2) No more than three dogs, four months of age and older, shall be kept or housed in or at one dwelling unit.

B. Wild animals. The keeping of wild animals, as defined in this chapter, shall be prohibited in any residential or agricultural zoning district.

*City of Grand Ledge, MI
Friday, August 30, 2013*

Chapter 220. ZONING

Article XV. AG: Agricultural District

§ 220-53. Purpose.

The Agricultural Districts are intended to preserve existing areas within the City which are presently used predominantly for general farming and to serve as a temporary zoning designation for parcels newly annexed to the City.

§ 220-54. Principal uses permitted.

- A. All uses permitted and as regulated in the R-LD Single-Family District unless otherwise provided under this article.
- B. Field crops and fruit farming, horticulture, aviaries, hatcheries, apiaries, greenhouses, tree nurseries, and similar agriculture enterprises.
- C. Public and private parks and conservation areas.
- D. Roadside stands selling products grown in the premises upon which the stand is located, provided that contiguous space for the parking of customer's vehicles is furnished off the public right-of-way at the ratio of one parking space for each 15 square feet of roadside stand floor area and that any stand meets setback requirements of the district that would be applied for principal structures.
- E. Uses of a similar but no more objectionable nature.
- F. Accessory buildings and uses customarily incident to any of the above permitted uses.

§ 220-55. Required conditions.

Article XVI, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lot permitted by land use and providing minimum yard setback requirements shall be complied with.



Virg Bernero, Mayor

DEPARTMENT OF PLANNING AND NEIGHBORHOOD DEVELOPMENT

316 N. CAPITOL AVENUE • LANSING, MI 48933-1236 • (517) 483-4066 • FAX: (517) 483-6036

PLANNING OFFICE
316 N. CAPITOL AVE., SUITE D-1

August 28, 2013

Mr. Christopher Gruba
Delta Township
7710 W. Saginaw Highway
Delta Township, MI 48917-9712

Dear Mr. Gruba,

Attached is the completed survey form regarding ordinances regulating the keeping of animals in the City of Lansing. The City of Lansing regulates dogs in the zoning ordinance to the extent that the keeping of more than 3 dogs constitutes a "kennel" by Zoning Ordinance definition and kennels are not permitted in any residential district.

With regard to all other animals, the City of Lansing adheres to the Ingham County Ordinances. With the exception of hens, Ingham County does not permit the keeping of livestock (which would include potbelly pigs) in urban residential district. A copy of the ordinance regulating hens is enclosed.

The City of Lansing has also dealt with the keeping of livestock, exotic animals, etc. by stating that the Zoning Ordinance does not list the keeping of such animals in residential districts as a permitted use and therefore, it is not permitted. Attached is a sample letter that we typically send out on such matters.

If you have any questions, please do not hesitate to contact me at 517-483-4085.

Sincerely,

A handwritten signature in blue ink, appearing to read "Susan Stachowiak", is written over a horizontal line.

Susan Stachowiak
Zoning Administrator

Questionnaire Survey Regarding Pets, Livestock and Wild Animals
Delta Township - 2013

1. Does your community have an ordinance which outlines the following?
 - Livestock ☒
 - Wild Animals ☐
 - Pets - dogs only
 - Service Animals ☐
 - Emotional Support Animals (Companion Animals) ☐
 - Miniature Pet Pigs ☐
 - Kennel ☒
2. Does your community have an ordinance which prohibits livestock in residential zoning districts?
 - Yes ☐
 - No - chickens only are permitted
3. Does your community have an ordinance which specifically pertains to pets?
 - Yes ☒ (if yes, please provide the section number of the ordinance)
 - No ☒
4. Does your community license any animals other than dogs?
 - Yes ☒ (if yes, please list other animals that are licensed)
 - No ☒
5. Does your community have an ordinance which limits the number of adult **dogs** which may be kept on a residentially zoned property?
 - Yes ☒ (if yes, how many dogs are permitted? 3)
 - No ☐
6. Does your community have an ordinance which limits the number of adult **cats** which may be kept on a residentially zoned property?
 - Yes ☒ (if yes, how many cats are permitted?)
 - No ☒
7. Which of the following animals does your community permit in residential zoning districts?
 - Rabbits ☐
 - Goats ☐
 - Lizards ☐
 - Ferrets ☐
 - Spiders ☐
 - Horses ☐
 - Skunks ☐
 - Poultry - chickens only
 - Rodents ☐
 - Snakes ☐
 - Monkeys ☐
8. Any comments or concerns you might have regarding the regulation of pets, livestock and wild animals would be appreciated: - Chickens (hens) are permitted in residential districts in accordance with the Ingham County Ordinance regulating same - see attached



VIRG BERNERO, MAYOR

DEPARTMENT OF PLANNING AND NEIGHBORHOOD DEVELOPMENT

316 N. CAPITOL AVENUE ♦ LANSING, MI 48933-1236 ♦ (517) 483-4066 ♦ FAX: (517) 483-6036

316 N. CAPITOL AVE., SUITE D-1

Date

RE: Notice of Violation

Dear ,

Please be advised that the property at Street contains a violation of the City of Lansing Zoning Ordinance, Section 1248 which regulates the uses permitted in the "B" Residential District. The property at Street is zoned "B" Residential and is being used, in part, for the keeping of a pig. Section 1248 of the Zoning Ordinance does not list the keeping of pigs as a permitted use in the "B" district. Furthermore, pigs are not considered domesticated animals and therefore, cannot be considered household pets.

Please have all pigs removed from your property within ten (10) calendar days from the date of this letter. Failure to comply with this notice will result in issuance of a civil fine. In addition, the city may seek a court order of compliance.

If you should have any questions, please contact me at 517-483-4085.

Sincerely,

Susan Stachowiak
Zoning Administrator

The City of Lansing adheres to the Ingham County Ordinance Regulating Chickens

(See below)

An Ordinance to amend the Ingham County Animal Control Ordinance to permit the keeping of chickens in non-agricultural areas of the County.

THE PEOPLE OF THE COUNTY OF INGHAM, MICHIGAN, DO ORDAIN:

Section 1. Purpose and Authority. Deeming it advisable in the interest of the citizens of Ingham County, as authorized by Act 339 of 1919, as amended, being Section 287.261 et seq., of the Michigan Compiled Laws, the County of Ingham, Michigan, adopts this Ordinance amending the Ingham County Animal Control Ordinance.

Section 2. Amendment. Article VIII of the Ingham County Animal Control Ordinance, entitled Prohibition of Livestock or Poultry in Non-Agricultural Areas, is amended to read as follows:

(a) No livestock or poultry shall be owned, kept, possessed, harbored or kept charge of within the boundaries or any non-agricultural area within Ingham County except as such places are provided for shipping said livestock or poultry.

(b) Notwithstanding paragraph (a), and unless expressly prohibited or regulated by a city, village or township ordinance, or private property restriction, chickens may be owned, kept, possessed, harbored, and kept charge of within the boundaries of any non-agricultural area within Ingham County, under the following conditions:

(i) No more than five (5) hens may be kept on any one- or two-family residential property, and no roosters shall be allowed;

(ii) Chickens must be kept in an enclosure so constructed or repaired as to keep the chickens confined on the owner's property, and to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure;

(iii) A covered enclosure or fenced enclosure shall not be located closer than 10 feet from the property line of any adjacent property, nor closer than 40 feet from any residential structure on an adjacent property, unless the adjacent property owner consents in writing;

(iv) All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice, or other rodents, shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them

(v) No person shall slaughter any chickens.

Section 3. Repeal. All ordinances or parts of ordinances inconsistent herewith are hereby repealed

Section 4. Savings Clause. This Ordinance does not affect rights and duties matured, penalties that were incurred, and proceedings that were begun, before its effective date.

Section 5. Effective Date. This Ordinance Amending the Ingham County Animal Control Ordinance shall take effect when notice of its adoption is published in a newspaper of general circulation in the County.

Questionnaire Survey Regarding Pets, Livestock and Wild Animals
Delta Township - 2013

RECEIVED

AUG 28 2013

WILLIAMSTOWN TOWNSHIP

1. Does your community have an ordinance which outlines the following?
 - Livestock ☒
 - Wild Animals ☐
 - Pets ☒
 - Service Animals ☐
 - Emotional Support Animals (Companion Animals) ☐
 - Miniature Pet Pigs ☒
 - Kennel ☒
2. Does your community have an ordinance which prohibits livestock in residential zoning districts? *some not all*
 - Yes ☒
 - No ☐
3. Does your community have an ordinance which specifically pertains to pets?
 - Yes ☒ (if yes, please provide the section number of the ordinance 8.02) *P*
 - No ☐
4. Does your community license any animals other than dogs?
 - Yes ☐ (if yes, please list other animals that are licensed ☐)
 - No ☒
5. Does your community have an ordinance which limits the number of adult **dogs** which may be kept on a residentially zoned property?
 - Yes ☒ (if yes, how many dogs are permitted? 30) *8.02 P*
 - No ☐
6. Does your community have an ordinance which limits the number of adult **cats** which may be kept on a residentially zoned property?
 - Yes ☒ (if yes, how many cats are permitted? 30) *other restrictions such as lot size 8.02 P*
 - No ☐
7. Which of the following animals does your community permit in residential zoning districts?
 - Rabbits ☒
 - Goats ☐
 - Lizards ☐
 - Ferrets ☐
 - Spiders ☐
 - Horses ☐
 - Skunks ☐
 - Poultry ☐
 - Rodents ☐
 - Snakes ☐
 - Monkeys ☐*not in R-1 or R-1S zone but in other residential zones*
8. Any comments or concerns you might have regarding the regulation of pets, livestock and wild animals would be appreciated: *We do not allow farm animals in R-1 or R-1S zones. We are now in court with a landowner who wants to keep pot bellied pigs, goats etc in R-1 zone. We shall see how it goes. If it gets approval from the judge any subdivision lot or city lot could have pigs, chickens, goats whatever.*

Watertown Twp.

Questionnaire Survey Regarding Pets, Livestock and Wild Animals Delta Township - 2013

1. Does your community have an ordinance which outlines the following?
 - Livestock yes
 - Wild Animals no
 - Pets yes
 - Service Animals no
 - Emotional Support Animals (Companion Animals) no
 - Miniature Pet Pigs no
 - Kennel yes
2. Does your community have an ordinance which prohibits livestock in residential zoning districts?
 - Yes ✓
 - No _____

we define "large animals" - horses, cows, pigs, bison (inc. closely related)
3. Does your community have an ordinance which specifically pertains to pets?
 - Yes ✓ (if yes, please provide the section number of the ordinance 28-1570)
 - No _____

attached
4. Does your community license any animals other than dogs?
 - Yes _____ (if yes, please list other animals that are licensed _____)
 - No ✓

Clinton County handles all licensing:
5. Does your community have an ordinance which limits the number of adult **dogs** which may be kept on a residentially zoned property?
 - Yes _____ (if yes, how many dogs are permitted? _____)
 - No ✓

Except we allow private kennels @ up to 3 dogs, but only if for breeding purposes.
6. Does your community have an ordinance which limits the number of adult **cats** which may be kept on a residentially zoned property?
 - Yes _____ (if yes, how many cats are permitted? _____)
 - No ✓

... technically breeding cats would fall under a kennel, but I've never really had to deal w that.

(definitions attached)
7. Which of the following animals does your community permit in residential zoning districts?
 - Rabbits _____
 - Goats _____
 - Lizards _____
 - Ferrets _____
 - Spiders _____
 - Horses _____
 - Skunks _____
 - Poultry _____
 - Rodents _____
 - Snakes _____
 - Monkeys _____

We don't allow large animals on our R-1, R-2 & R-3 parcels; except in situations where Ag is continuing to occur on parcels now zoned for residential.

I have allowed chickens on R-1 parcels in some areas, as "farms" are still a permitted use in our R-1 & we don't specifically prohibit them.

We don't address "exotic" type animals.
8. Any comments or concerns you might have regarding the regulation of pets, livestock and wild animals would be appreciated: I am currently looking at different options for what I would consider to be "medium" sized animals, like sheep, goats, chickens, alpacas, etc.

(c) All information regarding class B home occupations is confidential and any government official who becomes aware of a class B home occupation as a result of the requirements of this section shall not disclose any such confidential information to any other person except to those officials performing duties necessary to comply with the provision of this section. Records regarding class B home occupations are confidential and shall not be disclosed except upon order of a court of competent jurisdiction. (Ord. No. 26, § 3.20, 6-29-2001, Ord. No. 34, 5-1-2011)

State Law References: Instruction in craft or fine art as home occupation, MCL 125.3204.

Sec. 28-570. Keeping of animals.

(a) The keeping of household pets, including dogs, cats, fish, birds, hamsters and other animals generally regarded as household pets is permitted as an accessory use in any residential district.

(b) Any land, building or structure where three or more cats and/or dogs six months of age or older are boarded, housed or bred for commercial purposes shall be considered a kennel and shall only be permitted in the zoning districts where such uses are allowed.

(c) Any other provision of this chapter notwithstanding, the keeping, housing, raising, or use of land for medical care for fowl or animals other than house pets of an occupant of the premises, is subject to the following provisions:

(1) Any pen or building or structure housing or containing these animals shall be a minimum of 10 feet from any property line.

(2) The keeping and raising of large animals, including but not limited to horses, cows, pigs, or bison kept as part of a farming operation shall be permitted on parcels zoned AP, AG, RR, and LI. Large animals raised and kept as part of a farming operation shall be maintained in compliance with the rules, regulations and accepted management practices established by the state department of agriculture and applicable state laws. No large animals shall be permitted on parcels zoned R-1, R-2, R-3, VSC, B-1 or B-2.

(d) Where animals other than house pets of the owner or occupant of the premises are kept or allowed outside, a fence of such construction as to keep said animals from leaving the premises at will shall be provided and regularly maintained. (Ord. No. 26, § 3.21, 6-29-2001; Ord. eff. 3-17-2008; Ord. No. 30, 4-14-2008)

Sec. 28-571. Water and sanitary sewer service.

(a) No structure for human occupancy shall, after the effective date of the ordinance from which this section is derived, be erected, altered or moved upon any lot and used in whole or part for dwelling, business, industrial, or recreation purposes unless

- (1) A total of 750 dairy cattle (all classes); 750 slaughter or feeder cattle, 2,200 swine (all classes), 100,000 poultry (all classes); 5,000 sheep or goats (all classes); or 200 horses (all classes); or
- (2) A population per acre of at least four dairy cattle, four slaughter or feeder cattle, 20 swine, 700 poultry, ten sheep or goats, or four horses.

Junk means, for the purpose of this chapter, miscellaneous solid waste, rubbish, scrap, debris, or reclaimable material located outside a fully enclosed building, including, but not limited to tires, vehicle parts, paper, rags, scrap metal, scrap equipment, glass, household appliances, garbage, and vehicles or machines in a condition which precludes their use for the purpose for which they were manufactured.

Junk yard means and includes automobile wrecking yards and salvage areas and includes any area of more than 200 square feet for the storage, sale, processing, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof for profit, but does not include uses established entirely within enclosed buildings.

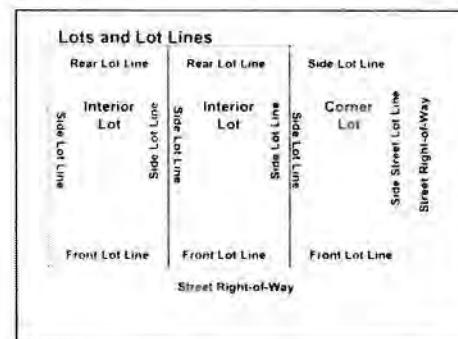
★ *Kenel, commercial* means any building and/or land used, designed or arranged for the commercial sale, boarding, breeding, care or treatment of three or more dogs, cats or other domestic animals for profit.

★ *Kenel, private* means any building and/or land used, designed or arranged for the boarding, breeding or care of dogs, cats or other domestic animals belonging to the owner thereof and kept for purposes of sale provided that no more than three such animals, six months of age or older are kept on the premises either permanently or temporarily. The keeping of such animals shall be strictly incidental to the principal use of the premises.

Landmark tree means any living tree of stature standing alone in the open; or any living woodlot tree which stands obviously apart from its neighbors by size, form, or species. Living trees equal to or greater than 36 inches in diameter will generally be considered a landmark tree regardless of location or type.

Loading space means an off-street space on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking.

Lot means a parcel of land occupied or intended for occupancy by a use permitted in this chapter, including one main building with its accessory buildings, and providing the open spaces,



★

See
regulations

(2) *Commercial kennels or veterinary services.* A residence may also be located on the same property.

- a. Unless required elsewhere in this chapter, the minimum lot area shall be two acres.
- b. Buildings wherein animals are kept, dog runs, and exercise areas shall not be located nearer than 150 feet to any adjacent occupied dwelling or any adjacent building used by the public. Runs and exercise areas shall not be located in any required front, rear or side yard setback area.
- c. All principal use activities, other than outdoor dog run areas, shall be conducted within a totally enclosed building.

(3) *Commercial planned unit development (CPUD).*

- a. Intent and purpose. The intent of the commercial planned unit development (CPUD) is to provide specific standards for preplanned development of commercial areas within the township. These standards are meant to promote the opportunities for managed commercial growth and development that is consistent with the township comprehensive development plan. Among the specific purposes of the commercial PUD are:
 1. Encourage efficient flow of traffic by minimizing conflicts from turning movements.
 2. Make land use and site plan review decisions in conjunction with the transportation system to sustain the capacity of the road by limiting and controlling the number and location of driveways and requiring alternate means of access through shared driveways, service drives, and access from cross streets.
 3. Sustain the traffic carrying capacity of the roadway in order to delay or avoid premature widening which would detract from the character of the township.
 4. Ensure that distractions to motorists are minimized by avoiding blight and clutter, promoting aesthetics, and providing property owners and businesses with appropriate design flexibility and visibility.
 5. Encourage the rural and small town character as expressed through the comprehensive development plan by requiring

EMAIL FROM BRADLEY KAYE

PLANNING DIRECTOR, MIDLAND MI

Chris Gruba

From: Kaye, Brad <bkaye@midland-mi.org>
Sent: Tuesday, September 10, 2013 2:08 PM
To: Chris Gruba
Subject: RE: Potbelly Pig Ordinance

Chris,

I was not here at the City of Midland when the ordinance was adopted, but will try as best I can to answer your questions. My responses are provided within the text of your email below. As we have only had one person want to house a pig, however, which was subsequently removed, we do not have much experience on this to share with you.

C. Bradley Kaye, AICP, CFM
 Director of Planning and Community Development
 City of Midland
 333 W. Ellsworth Street
 Midland, MI 48640-5132
 Phone: 989-837-3379
bkaye@midland-mi.org

From: Chris Gruba [<mailto:CGruba@deltami.gov>]
Sent: Tuesday, September 10, 2013 10:22 AM
To: Kaye, Brad
Subject: Potbelly Pig Ordinance

Dear Mr. Kaye,

Hello, my name is Christopher Gruba, I'm a planner for Delta Township which is on the west side of Lansing. Recently, our zoning ordinance has been challenged regarding the keeping of a potbelly pig as a pet on a residential property. Our ordinance classifies swine as livestock and as such, are prohibited on residential properties. We understand that the City of Midland allows potbelly pigs as pets. I had a few quick questions regarding your ordinance if you don't mind:

What has been your experience with your ordinance allowing potbelly pigs as pets?

We had only one family that wanted and housed a potbelly pig in their residence. Their pig grew too large and was removed from the house. We have not had any further requests for this.

How many potbelly pigs do you currently have licensed?

There are no licensed pigs in the City at this time.

Is it a fairly simple process to license a pet pig?

The Clerk's Department handles licensing. The application is fairly simple and is circulated to planning for review before a license is issued.

How long has your present ordinance been in place?

The ordinance was enacted in 2011.

Was the ordinance adopted at the request of a pot belly pig owner or did the City adopt the ordinance in response to a complaint about and subsequent enforcement action against an individual.

Does the City of Midland license any animals other than dogs & pot belly pigs?

No.

I very much appreciate your time. Our Township Board will be reviewing draft language to possibly amend the ordinance.

Christopher Gruba
Planner
(517) 323-8560

DELTA CHARTER TOWNSHIP
FINANCE REPORT
FOR TOWNSHIP BOARD MEETING
11/04/2013

Disbursement requests listed on the following pages, totaling \$ 1,121,897.66 have been received and reviewed by the Manager, Finance Director, and Clerk. It is recommended that all listed vouchers be approved for payment.

Bond/Debt Payments

Investments

Payroll & Related	320,979.03
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Refunds	11,366.20
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Tax Distributions

Vendor Claims	789,552.43
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Total	\$ 1,121,897.66
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Ken Fletcher, Township Supervisor

Mary Clark, Township Clerk

Howard Pizzo, Township Treasurer

PAYABLES FOR DELTA CHARTER TOWNSHIP BOARD AGENDA
DATED 11/04/2013

Check Date	Check	Vendor Name	Description	Amount
10/23/2013	284931	ALLY FINANCIAL INC	PAYROLL WITHHOLDING	125.00
10/23/2013	284932	AT&T	TELEPHONE	39.44
10/23/2013	284933	CAPITAL AREA UNITED WAY	PAYROLL WITHHOLDING	16.00
10/23/2013	284934	CARQUEST - THE PARTS PLACE	OIL FILTERS	10.48
10/23/2013	284935	COMCAST	HIGH SPEED INTERNET	84.85
10/23/2013	284936	JOYCE FARMER	CONTRACTUAL - EXERCISE CLASS AT MALL	126.00
10/23/2013	284937	FIREFIGHTERS ASSO OF MICHIGAN	PAYROLL W/H UNION DUES	1,020.00
10/23/2013	284938	THOMAS FITZ	CONTRACTUAL - TRICK OR TREAT TRAIL	25.00
10/23/2013	284939	WEX BANK	FUEL PURCHASES FOR TWP. VEHICLES	14,727.80
10/23/2013	284940	BARBARA FOLEY	PAYROLL WITHHOLDING	650.00
10/23/2013	284941	BARBARA FOLEY	PAYROLL WITHHOLDING	170.13
10/23/2013	284942	CHELSEY HANNA	CONTRACTUAL - TRICK OR TREAT TRAIL	25.00
10/23/2013	284943	LANSING BOARD OF WATER & LIGHT	ELECTRICITY FOR MULTIPLE ACCOUNTS	123.48
10/23/2013	284944	METLIFE	DENTAL INSURANCE COVERAGE	13,941.42
10/23/2013	284945	MICHIGAN EDUCATION TRUST	PAYROLL WITHHOLDING	88.00
10/23/2013	284946	JAMISON HTG & CLG	REFUND OVERPMT PERMIT PM130550	20.00
10/23/2013	284947	BEN BELLAH	REFUND OVERPAYMENT FOR WELL CAPPING	12.50
10/23/2013	284948	MICHIGAN SURVEYORS SUPPLY	FIELD BOOK AND ENGINEER SCALES	96.45
10/23/2013	284949	GENE REAVES	REFUND MEN'S GOLF LEAGUE	25.00
10/23/2013	284950	JANET KEITH	REFUND TAI CHI	56.00
10/23/2013	284951	MICHIGAN COMMERCIAL INSURANCE MUTAL	REFUND OVERPAYMENT SUMMER TAXES	3,973.04
10/23/2013	284952	WESTWIND TOWNHOMES I LLC	REFUND OVERPAYMENT SUMMER TAXES	6,316.05
10/23/2013	284953	UNITED STATES TREASURY	PAYROLL WITHHOLDING	300.00
10/23/2013	284954	UNUM LIFE INSURANCE COMPANY	LIFE INSURANCE	6,627.64
10/23/2013	284955	TRI COUNTY TITLE	UTILITY REFUND FOR ACCOUNT: 00021489	21.47
10/23/2013	284956	TRI COUNTY TITLE AGENCY	UTILITY REFUND FOR ACCOUNT: 00020597	43.88
10/23/2013	284957	WILLIAMS, JASON	UTILITY REFUND FOR ACCOUNT: 00015525	23.47
10/23/2013	284958	MAYBERRY HOMES	UTILITY REFUND FOR ACCOUNT: 00029457	81.31
10/23/2013	284959	TRANSNATION TITLE AGENCY OF MI	UTILITY REFUND FOR ACCOUNT: 00006744	11.59
10/23/2013	284960	DYKE, STEVE	UTILITY REFUND FOR ACCOUNT: 00029460	10.07

10/23/2013	284961	GATEWAY TO HOMES	UTILITY REFUND FOR ACCOUNT: 00029108	9.68
10/23/2013	284962	KERRINS, MARK	UTILITY REFUND FOR ACCOUNT: 00029428	29.87
10/28/2013	CHASE	CHASE CREDIT CARD	ICMA CONFERENCE EXPENSES R.WATKINS	231.37
10/28/2013	CHASE	CHASE CREDIT CARD	MLGMA MEMBERSHIP J.ROBERTS	55.00
10/28/2013	CHASE	CHASE CREDIT CARD	ICMA EXPENSES J. ROBERTS	990.46
10/28/2013	CHASE	CHASE CREDIT CARD	COMMUNITY AWARDS SUPPLIES	184.80
10/28/2013	CHASE	CHASE CREDIT CARD	EXPENSES FOR WEBSITE	169.00
10/28/2013	CHASE	CHASE CREDIT CARD	"I AM DELTA" PROMOTION BUMPER STICKERS	1,520.00
10/28/2013	CHASE	CHASE CREDIT CARD	PASSPORT POSTAGE	103.96
10/28/2013	CHASE	CHASE CREDIT CARD	NOTARY SERVICE & PHOTOS	317.75
10/28/2013	CHASE	CHASE CREDIT CARD	PASSPORT TRAINING EXPENSE	27.22
10/28/2013	CHASE	CHASE CREDIT CARD	BANK BAGS	39.64
10/28/2013	CHASE	CHASE CREDIT CARD	ICARE REPAIR FOR BLDG DEPT	152.32
10/28/2013	CHASE	CHASE CREDIT CARD	ASSESSING TRAINING	276.15
10/28/2013	CHASE	CHASE CREDIT CARD	TAX DAY LUNCH	39.86
10/28/2013	CHASE	CHASE CREDIT CARD	OFFICE SUPPLIES & POSTAGE FOR ENGINEERING	120.82
10/28/2013	CHASE	CHASE CREDIT CARD	ALARM BATTERY & EQUIPMENT PARTS	139.25
10/28/2013	CHASE	CHASE CREDIT CARD	LAMINATOR MACHINE FOR PARKS DEPT	1,189.98
10/28/2013	CHASE	CHASE CREDIT CARD	PARKS CLASS SUPPLIES	56.84
10/28/2013	CHASE	CHASE CREDIT CARD	PARKS EVENTS SUPPLIES	519.42
10/28/2013	CHASE	CHASE CREDIT CARD	PARKS SPORTS AWARDS	338.22
10/28/2013	CHASE	CHASE CREDIT CARD	SUPPLIES & EQUIPMENT FOR 39ERS	446.31
10/28/2013	CHASE	CHASE CREDIT CARD	AQUATICS STAFF TRAINING	54.00
10/28/2013	CHASE	CHASE CREDIT CARD	IPAD APPS	97.96
10/28/2013	CHASE	CHASE CREDIT CARD	C&T HYDRAULICS WWTP PARTS	157.12
10/28/2013	CHASE	CHASE CREDIT CARD	MEAL FOR UTILITIES EMERGENCY	156.11
10/28/2013	CHASE	CHASE CREDIT CARD	WIRELESS KEYBOARD, STYLUS, SOFTWARE	251.02
10/28/2013	CHASE	CHASE CREDIT CARD	SHINGLE RECYCLING	36.00
10/28/2013	CHASE	CHASE CREDIT CARD	INTERNATIONAL FIRE CODE SUPPLIES	361.44
10/28/2013	CHASE	CHASE CREDIT CARD	METRO CHIEFS MTG, MSDS KIT, RADIO EQUIP	354.03
10/28/2013	CHASE	CHASE CREDIT CARD	REPLACEMENT REFRIGERATORS FIRE DEPTS	1,347.30
10/28/2013	CHASE	CHASE CREDIT CARD	KEY BOXES, PIC FRAMS, BLDG MATERIALS	274.56
10/28/2013	CHASE	CHASE CREDIT CARD	RADIO CASE	45.99
10/28/2013	CHASE	CHASE CREDIT CARD	PHONE CASE	21.19

10/28/2013	CHASE	CHASE CREDIT CARD	VEHICLE MAINTENANCE PARTS	29.57
10/28/2013	CHASE	CHASE CREDIT CARD	FIRE COVERALL PATCH	14.00
10/28/2013	CHASE	CHASE CREDIT CARD	FIRE TRAINING EXPENSES; EFO SYMPOSIUM	997.49
10/28/2013	CHASE	CHASE CREDIT CARD	MEDICAL SUPPLIES & CPR/AED CARDS	373.00
10/28/2013	CHASE	CHASE CREDIT CARD	CPSE ACCREDITATION	731.44
10/28/2013	CHASE	CHASE CREDIT CARD	BATTERIES FOR EMS EQUIPMENT	310.00
10/28/2013	CHASE	CHASE CREDIT CARD	CLINTON CO FIRE CHIEFS MTG EXPENSES	298.43
10/28/2013	CHASE	CHASE CREDIT CARD	WWTP LAB SUPPLIES	39.73
10/30/2013	284963	ALLY FINANCIAL INC	PAYROLL WITHHOLDING	375.00
10/30/2013	284964	ALRO STEEL	SNOW BLOWER TRACKLESS REPAIR	20.02
10/30/2013	284965	AT&T	TELEPHONE	75.25
10/30/2013	284967	LORI BOLAN	CONTRACTUAL - AQUATICS	52.50
10/30/2013	284970	CARQUEST - THE PARTS PLACE	VEHICLE MAINTENANCE PARTS	898.24
10/30/2013	284971	COMCAST	HIGH SPEED INTERNET	445.21
10/30/2013	284973	COMPOUNDS & CROSSBOWS	SHARE OF CLASS FEES	576.00
10/30/2013	284974	AARON DAVIS	CONTRACTUAL - REFEREE	32.00
10/30/2013	284975	TAMMY DAVIS	CONTRACTUAL - REFEREE	36.00
10/30/2013	284978	DEBRA DUFFY	CONTRACTUAL - AQUATICS	45.00
10/30/2013	284979	JOHN DEERE FINANCIAL	MOWER PARTS, SAW REPAIRS, EQUIPMENT MAINT	542.91
10/30/2013	284980	FIREFIGHTERS ASSO OF MICHIGAN	PAYROLL W/H UNION DUES	3,120.00
10/30/2013	284981	BARBARA FOLEY	PAYROLL WITHHOLDING	1,950.00
10/30/2013	284982	BARBARA FOLEY	PAYROLL WITHHOLDING	510.39
10/30/2013	284983	FRONTIER	TELEPHONE	180.66
10/30/2013	284984	GALE	LIBRARY MATERIALS	112.76
10/30/2013	284986	HOFFMAN PHOTOGRAPHY	MONSTER MASH PHOTOGRAPHY	35.00
10/30/2013	284987	MARALYN HYDE	CONTRACTUAL - AQUATICS	220.00
10/30/2013	284988	LAURIE LANE	P&R INSTRUCTOR'S PAY	336.00
10/30/2013	284989	LANSING BOARD OF WATER & LIGHT	ELECTRICITY FOR MULTIPLE ACCOUNTS	32,825.73
10/30/2013	284991	LANSING BOARD OF WATER & LIGHT	ELECTRICITY FOR MULTIPLE ACCOUNTS	5,057.37
10/30/2013	284992	LANSING BOARD OF WATER & LIGHT	ELECTRICITY FOR MULTIPLE ACCOUNTS	846.93
10/30/2013	284995	CAROLYN MCARTHUR	CONTRACTUAL - AQUATICS	210.00
10/30/2013	284996	MCMASTER-CARR SUPPLY CO.	CONTROL PANEL TRIM	82.53
10/30/2013	284998	MICHIGAN EDUCATION TRUST	PAYROLL WITHHOLDING	536.00
10/30/2013	284999	GHA ARCH	REFUND PERMIT PB130275	180.00

10/30/2013	285000	A/C MECHANICAL SYSTEMS, LLC	REFUND PERMIT PM130567	15.00
10/30/2013	285001	NANCY MULLER	PARKS INSTRUCTOR'S PAY	262.50
10/30/2013	285005	DAVID RINCKEY	REFUND SECURITY DEPOSIT	250.00
10/30/2013	285006	HALEIGH PIER	CONTRACTUAL - REFEREE	48.00
10/30/2013	285009	BARBARA ROSSI	SHARE OF ZUMBA CLASS FEES	2,283.00
10/30/2013	285010	JOHN ROSSI	SHARE OF CLASS FEES	140.00
10/30/2013	285011	SYBIL SHELTON-FORD	SHARE OF CLASS FEES	695.20
10/30/2013	285012	SHINN'S TAEKWONDO WEST	SHARE OF CLASS FEES	72.00
10/30/2013	285013	JUDITH STURLEY	CONTRACTUAL - AQUATICS	100.00
10/30/2013	285014	MADELINE SUMMERFIELD	CONTRACTUAL - REFEREE	24.00
10/30/2013	285015	TDS METROCOM	TELEPHONE	222.32
10/30/2013	285016	UPS	POSTAGE FOR SHIPPING WATER SAMPLE	17.94
10/30/2013	285017	TRI COUNTY TITLE	UTILITY REFUND FOR ACCOUNT: 00029066	4.66
10/30/2013	285018	TRI COUNTY TITLE	UTILITY REFUND FOR ACCOUNT: 00027193	15.93
10/30/2013	285019	EASTBROOK HOMES	UTILITY REFUND FOR ACCOUNT: 00029379	116.36
10/30/2013	285020	HORUPA, KATIE	UTILITY REFUND FOR ACCOUNT: 00028693	67.36
10/30/2013	285021	HDI BUILDERS	REFUND BALANCE ON WATER INSTALLATION	82.96
10/30/2013	285022	BRITTEN WESLEY	CONTRACTUAL - REFEREE	40.00
10/30/2013	285023	MADISON WESLEY	CONTRACTUAL - REFEREE	36.00
11/06/2013	285025	AIRGAS USA, LLC	OXYGEN, CARBON DIOXIDE	283.69
11/06/2013	285026	AMERICAN WATER WORKS ASSO.	MEMBERSHIP DUES G. BOZEK	1,656.00
11/06/2013	285027	AMERICAN WATER WORKS ASSO.	MEMBERSHIP DUES W.KULASA	174.00
11/06/2013	285028	AMERICAN RENTALS, INC.	PORTABLE TOILET RENTALS	395.00
11/06/2013	285029	APPLIED INDUSTRIAL TECH.	BEARING FOR INTERMEDIATE	55.79
11/06/2013	285030	JOHN AREY	CONTRACTORS CAP FIRE DEPT TRUCK 437	900.00
11/06/2013	285031	AUTO VALUE PARTS STORE	VEHICLE SHOP SUPPLIES	148.27
11/06/2013	285032	AYLES TREE SERVICE, INC.	PLANT BIRCH TREE	700.00
11/06/2013	285033	BARCO PRODUCTS COMPANY	SUPPLIES FOR NEW PATHWAY	244.61
11/06/2013	285034	BARYAMES CLEANERS INC.	UNIFORMS	163.15
11/06/2013	285035	BELLE TIRE	VEHICLE MAINTENANCE	49.90
11/06/2013	285036	BOUND TREE MEDICAL LLC	BATTERIES AND MEDICAL SUPPLIES	1,215.21
11/06/2013	285037	BOYNTON FIRE SAFETY SERVICE	FIRE ALARM SYSTEM REPAIR FOR UTILITY OPS	485.00
11/06/2013	285038	BRD PRINTING INC.	BUSINESS CARDS	138.00
11/06/2013	285039	BS&A SOFTWARE	ASSESSING.NET TRAINING 10/15	585.00

11/06/2013	285040	CARRIER & GABLE, INC.	XING SIGN, PUSH BUTTON, FLASHER	83.25
11/06/2013	285041	CARROT-TOP INDUSTRIES	MICHIGAN FLAGS	459.64
11/06/2013	285042	CDW GOVERNMENT INC.	COMPUTERS & EQUIPMENT	8,028.95
11/06/2013	285044	CEDAR POINT	REIMBURSE AMUSEMENT PARK TICKET SALES	5,292.00
11/06/2013	285045	CHROUCH COMMUNICATIONS, INC.	RADIO MAINTENANCE	302.85
11/06/2013	285046	CINTAS CORPORATION #725	BROWN TWP MATS ADMIN & SUBSTATION	84.00
11/06/2013	285047	JOHN CLARK	REIMBURSE TURNPIKE TOLL; CPSE SEMINAR	12.00
11/06/2013	285048	CORECOMM INTERNET	DNS HOSTING SEMI-ANNUAL DELTAMI.GOV	72.00
11/06/2013	285049	CP SIGNS, INC.	SIGN FOR EXPANDED RECYCLE HOURS	224.00
11/06/2013	285050	DAN CRANE	BALES OF STRAW	35.00
11/06/2013	285051	CYBER MARKETING NETWORK, INC.	FIRE DEPT UNIFORM	80.99
11/06/2013	285052	DATAMAIL SERVICES	POSTAGE FOR MAILING OF WINTER TAX BILLS	5,000.00
11/06/2013	285053	DIESEL EQUIPMENT SALES & SERVICE	BLOCK HEATERS FOR LIFT STATIONS	309.98
11/06/2013	285054	EATON COUNTY TREASURER	SHERIFF CONTRACTUAL PMT	246,554.00
11/06/2013	285055	EATON COUNTY ROAD COMMISSION	ST JOE HWY/BROADBENT TO MARKETPLACE	82,537.48
11/06/2013	285056	ETNA SUPPLY COMPANY	NEW WATER METER	1,838.00
11/06/2013	285057	EXOTIC AUTOMATION & SUPPLY	PARTS FOR BELLAIRE GENERATOR	28.93
11/06/2013	285058	FIBERTEC ENVIRONMENTAL SERVICES	WWTP MERCURY	95.00
11/06/2013	285059	FLEETPRIDE	VEHICLE MAINTENANCE	565.36
11/06/2013	285060	FLEIS & VANDENBRINK ENGR., INC	HUNTINGTON ACRES PROJECT	25,190.11
11/06/2013	285061	FULLER'S POWER EQUIPMENT CTR	EQUIPMENT MAINTENANCE	19.58
11/06/2013	285062	GORDON FOOD SERVICE, INC.	COFFEE, CUPS & SUPPLIES FOR TWP	312.13
11/06/2013	285063	GRAINGER	CABLE TIE, GLOVES, REGULATOR	275.40
11/06/2013	285064	GRAND LEDGE FORD	VEHICLE MAINTENANCE	46.47
11/06/2013	285065	GRAYMONT CAPITAL INC.	CHEMICALS FOR WWTP	4,910.00
11/06/2013	285066	IPMA-HR	MEMBERSHIP	15.00
11/06/2013	285067	J&B MEDICAL SUPPLY, INC	MEDICAL SUPPLIES	91.14
11/06/2013	285068	JERRY'S TIRE INC.	TIRES FOR FIRE ENG 416 & 413	4,030.90
11/06/2013	285069	JOHN DEERE LANDSCAPES/LESCO	SIDEWALK SALT FOR ALL BLDGS	307.67
11/06/2013	285070	K&H CONCRETE CUTTING OF	ASPHALT SAWING	350.00
11/06/2013	285071	KENDALL ELECTRIC, INC.	ADMIN BLDG LIGHTS & ELECTRICAL MATERIALS	309.39
11/06/2013	285072	LANSING UNIFORM CO.	BREAST BADGES & UNIFORMS FOR FIRE	429.80
11/06/2013	285073	MARK'S LOCK SHOP, INC.	BUILDING KEYS	21.00
11/06/2013	285074	MENARDS	PARTS FOR WWTP EQUIPMENT	16.19

11/06/2013	285075	MERIDIAN MEDICAL TECHNOLOGIES	MEDICAL SUPPLIES	2,252.25
11/06/2013	285076	MID-STATES BOLT & SCREW CO.	PARTS FOR BELAIRE LIFT STATION GENERATOR	48.92
11/06/2013	285077	MILLS REFRIGERATION, INC.	ICE MACHINE	120.00
11/06/2013	285078	MICHIGAN PIPE & VALVE	VALVE BOX RISER	150.00
11/06/2013	285079	MICHIGAN RECYCLING COALITION	ANNUAL MEMBERSHIP DUES	150.00
11/06/2013	285080	MITCHELL1	SOFTWARE FOR VEHICLE REPAIR	2,100.00
11/06/2013	285081	MOYER CONSTRUCTION CO.	CONTRACTOR FINAL PMT FOR SIDEWALK REPAIRS	15,313.00
11/06/2013	285082	NCL OF WISCONSIN	CHEMICALS	21.58
11/06/2013	285083	NEDERMAN, INC.	EXHAUST SYSTEM REPAIRS	164.00
11/06/2013	285084	KENT NORDLUND	REIMBURSE CONFERENCE EXPENSES	68.24
11/06/2013	285085	NYE UNIFORM	UNIFORMS	533.97
11/06/2013	285086	CANON SOLUTIONS AMERICA, INC.	COPIER MAINTENANCE	1,236.15
11/06/2013	285087	PL CUSTOM EMERGENCY VEHICLES	TERRASTAR AMBULANCES 2 EA.	264,207.32
11/06/2013	285088	PRECISION PARTS & TOOLING	BLADE SHARPENING	35.00
11/06/2013	285089	PURITY CYLINDER GASES, INC	FOR TORCHES	44.07
11/06/2013	285090	PVS TECHNOLOGIES, INC.	WWTP FERRIC CHLORIDE SOLUTION	5,202.44
11/06/2013	285091	R&R FIRE TRUCK REPAIR	VEHICLE REPAIRS ENGINE 413	470.45
11/06/2013	285092	ROSE PEST SOLUTIONS	PEST CONTROL - CONTRACTUAL	40.00
11/06/2013	285093	ROUTE 23	39ERS MOTOR CITY CASINO TRIP	1,350.00
11/06/2013	285094	SPARROW HEALTH & WELLNESS	FLU CLINIC	58.00
11/06/2013	285095	SPARROW OCCUPATIONAL HEALTH SERVICE	DRUG SCREENINGS	1,288.50
11/06/2013	285096	STAPLES ADVANTAGE	TOWELS AND OFFICE FILE CABINET	472.74
11/06/2013	285097	STERICYCLE, INC.	MEDICAL WASTE DISPOSAL SERVICE	18.28
11/06/2013	285098	SUNDANCE CHEVROLET	VEHICLE MAINTENANCE	435.71
11/06/2013	285099	TEE TO GREEN PRINTING &	PROMOTIONAL PRODUCTS	746.36
11/06/2013	285100	TITAN EQUIPMENT	LIFT RENTALS	570.00
11/06/2013	285101	TOMCO ASPHALT, INC.	HOT MIX ASPHALT	1,400.00
11/06/2013	285102	TRI-COUNTY OFFICE ON AGING	39ERS SUPPLIES	47.80
11/06/2013	285103	TRIDENT INSURANCE SERVICES	LEGAL FEES; CLAIMANT FIREWORKS NONSTOP	588.44
11/06/2013	285104	WMAFC	FIRE CHIEF'S CONFERENCE LUNCHEON	30.00
				<hr/>
PAYABLES				809,779.15
PAYROLL				312,118.51
GRAND TOTAL \$				<u>1,121,897.66</u>

CHARTER TOWNSHIP OF DELTA
Public Meeting Room A
Delta Township Administration Building
7710 West Saginaw Highway
Lansing MI 48917

**TOWNSHIP BOARD REGULAR MEETING MINUTES FOR
MONDAY, OCTOBER 21, 2013**

I. CALL TO ORDER

II. OPENING CEREMONIES – Pledge of Allegiance

III. ROLL CALL

Members Present: Trustee Jeff Hicks, Trustee Dennis Fedewa, Trustee Karen Mojica, Treasurer Howard Pizzo Clerk Mary Clark, and Supervisor Kenneth Fletcher.

Members Absent: Trustee Doug Kosinski

Others Present: Community Development Director Mark Graham, Assistant Community Development Director Gary Bozek, Township Planner Chris Gruba, Fire Chief John Clark, Lieutenant Jeff Campbell, Township Engineer Gary Arnold, Township Manager Richard Watkins, and Deputy Manager Jenny Roberts.

TRUSTEE HICKS MOVED TO EXCUSE TRUSTEE R. DOUGLAS KOSINSKI.
TRUSTEE MOJICA SUPPORTED THE MOTION.
MOTION PASSED 6-0 (TRUSTEE KOSINSKI ABSENT).

III. PRESENTATIONS AND PROCLAMATIONS

V. SET/ADJUST AGENDA

Trustee Fedewa added to the Committee of the Whole agenda the following: Proposed Resolution asking the Legislature and the Governor to amend the Elliott Larson Act to include the designation of LGBT.

TREASURER PIZZO MOVED TO APPROVE THE AGENDA AS AMENDED. TRUSTEE MOJICA SUPPORTED THE MOTION. THE MOTION PASSED 6-0 (TRUSTEE KOSINSKI ABSENT).

VI. PUBLIC HEARINGS

VII. COMMUNICATIONS

VIII. PUBLIC COMMENTS FOR ITEMS NOT ON AGENDA (*maximum two minutes*)

IX. INTRODUCTION OF ORDINANCES

1. Introduction of Proposed Zoning Ordinance Amendments Pertaining to Pets, Livestock and Wild Animals

TRUSTEE FEDEWA MOVED TO INTRODUCE THE PROPOSED ZONING ORDINANCE TEXT AMENDMENTS SUBMITTED BY NICOLE SHUILING PERTAINING TO PETS, LIVESTOCK AND WILD ANIMALS. AS DESCRIBED IN CASE NO. 8-13-16.

FURTHER THESE AMENDMENTS SHALL BE CONSIDERED FOR FINAL ACTION BY THE BOARD AT THE NOVEMBER 4, 2013 REGULAR BOARD MEETING AND THE CLERK IS HEREBY DIRECTED TO PUBLISH NOTICE OF SAID MEETING IN THE LOCAL NEWSPAPERS.

TREASURER PIZZO SUPPORTED THE MOTION.

Trustee Hicks noted that the introduction alone is not a vote on the merits of the amendment.

THE MOTION PASSED 6-0 (TRUSTEE KOSINSKI ABSENT).

X. PASSAGE OF ORDINANCES

2. Adoption of Code of Ordinances Amendments

The Manager's Office recommends that the Township Board adopt the amendment to the Code of Ordinances by adding a new Chapter 27 (Non-Discrimination) to prohibit discriminatory practices in Delta Township.

Attorney Gordon VanWieren states that regarding Section 27-5c – bona fide occupational qualifications, language mirrored that in the Elliott Larson Act and no changes are recommended.

Regarding Section 27-2 on the Complaint Review Committee language stating that the committee be subject to the Delta Township Ethics Policy has been incorporated.

Attorney VanWieren stated 27-3 regarding the discussion on insurance provision contained and whether the Township should track Michigan Law in terms of the Elliott Larson Act with regard to felonies and also that the section would not apply to felonies or information relative to felonies or a felony charge before a conviction

or dismissal. It has been changed to include language that is in the Elliott Larson Act.

Attorney VanWieren stated the next change was Section 27-3 concerning insurance and sub parts b2 and c. Changes were recommended after review of the Elliott Larson Act to remove the insurance requirements.

With regard to Section 27-11e – language was inserted regarding a catch all exception that allows discrimination at any time it is permitted or required under Michigan, Federal or local law. Language was added regarding preemption and believe it clarifies Delta Township’s intent – that this ordinance is not intended to preempt any law that would otherwise be in effect.

Attorney VanWieren stated regarding the Complaint Review process and prima fascia case burden of proof, after review of the Elliott Larson Act, no changes are recommended. The Rules and Procedures were distributed to the Township Board for review.

Attorney VanWieren referenced an issue raised regarding the enforceability of an action taken by the committee in terms of recommendation. Further noting under Michigan and U.S. jurisprudence there is a principle that for every wrong there should be a right or a remedy for any type of injury. Upon completion of research, in terms of a Civil Infraction, that would be appealable to the Circuit Court. However, with regard to a recommendation made by the committee, there is no provision under Michigan Court Rules or otherwise that would allow it to be appealed to the Circuit Court. Counsel recommends that if an aggrieved party disagrees with the recommendation of the Complaint Review committee that it could be appealed to the Delta Township Board for review.

Trustee Fedewa clarified that the insurance provisions were taken out; however the catch all exception was added to ensure that Delta Township is not attempting to override any State or Federal law.

Attorney VanWieren added that there are some provisions in the proposed ordinance concerning breastfeeding, specifically in Section 27-4b stating that no person shall prohibit a breastfeeding mother from or segregate a breastfeeding mother within any public accommodation where she and the child would otherwise be authorized.

Also noting under Section 27-11o, permits placing reasonable restrictions on breastfeeding in any area open to the general public. Attorney VanWieren states these provisions are permitted under current Michigan law, further noting that House Bill 4733 is currently pending which would make breastfeeding a protected class under the Elliott Larson Act. If the bill passes, Attorney VanWieren stated that the above language would not be a violation of that law.

The following people spoke in support of the Non-Discrimination Ordinance:

Ryan Sebolt
1800 W. Ottawa
Lansing, MI 48915

Channy Walker
412 Looking Glass Ave
Portland, MI 48875

Carl Struble
5613 Sandhill Drive
Grass Lake, MI 49240

Reverend Nicolette Siragusa
1274 Burlington Dr
Grand Ledge, MI 48837

Emily Dievendorf
901 Britten Ave
Lansing, MI 48910

Justin Lippi
127 N. Hayford
Lansing, MI 48912

Travis Radina
6150 W. Michigan Ave #K10
Lansing, MI 48917

Michael R. Crusoe
319 N Hayford Dr
Lansing, MI

Roxane Seboot
414 S. Dibble
Lansing, MI 48917

Karen Holcomb-Merrill
6844 Lookout Lane
Lansing, MI 48917

Phil Parmelee
1392 Haslett Rd
Haslett, MI 48840

Greg Briggs
437 S 4th Ave
Ann Arbor, MI 48104

Nicole Royce
740 Hunting Meadows Dr
Mason, MI 48854

Cheryl Overley
4910 Grand Woods
Lansing, MI 48917

The following people spoke in opposition to the Non-Discrimination Ordinance:

Roger Stair
7418 Delta River Dr.
Lansing, MI 48917

Pastor Al Sharp
8029 Meadow Lane
Portland, MI 48875

Pastor Timothy Jackson
Community Baptist Church
Grand Ledge, MI 48837

David Comstock
447 Charleston Rd

Cathy Griffin
411 Pineview Dr
Lake Odessa, MI 48849

Greg Vaughn
1571 N Waverly Rd
Lansing, MI 48917

Gina Johnson
7638 Taragreen
Lansing, MI 48917

Joe Jackson
1527 S Canal Rd

Lansing, MI 48917

Katie Schmidt
217 N Church St
Pottersville, MI

Chris Clarke
1775 E Webb Rd
DeWitt, MI 48820

Bob Johnson
4806 W Willow Hwy
Lansing, MI 48917

Dave Kallman
5600 W Mt Hope Hwy
Lansing, MI 48917

Linda Gruizenga
7824 Bramblewood
Lansing, MI 48917

Lansing, MI 48917

Doug Hartson
4827 Pine Hill
Pottersville, MI 48876

Kay Palinski
4909 Canyon Tr
Lansing, MI 48917

Mike Schmidt
221 N Church
Pottersville, MI 48876

Aimee Chauvin
566 S Stine Rd
Charlotte, MI 48813

Bill Trinklein
2234 Coit Ave NE
Grand Rapids, MI 49505

Kathleen Lopilato, employed by Auto Owners Insurance Company at 6101 Anacapi, Lansing, MI spoke neutrally regarding the Non-Discrimination Ordinance.

Attorney VanWieren stated that there were three changes having to do with the insurance provisions of the ordinance. Under the Elliott Larson Act there are no protections in terms of insurance in regard to home owner or rental insurance or insurance for real property. Under Sections 27-3b and c there have been changes recommended. In regard to an issue raised last week, concerning the section that talks about felonies and not applying to information relative to a felony charge before conviction or dismissal, that language was removed to be consistent with the Elliott Larson Act. The final change proposed was regarding a violation of what is permitted or required under State or Federal law and preemption issues. Language was added to address concerns that were expressed in the last few weeks concerning State and Federal law and the rights and privileges that are guaranteed or restricted by those laws.

TREASURER PIZZO MOVED THAT THE TOWNSHIP BOARD ADOPT AN AMENDMENT TO THE DELTA TOWNSHIP CODE OF ORDINANCES. THE PROPOSED AMENDMENT WOULD ADD A NEW CHAPTER 27 (NON-DISCRIMINATION) TO THE CODE OF ORDINANCES, WHICH WOULD PROHIBIT DISCRIMINATORY PRACTICES IN DELTA TOWNSHIP.

FURTHER, THE TOWNSHIP CLERK IS HEREBY DIRECTED TO PUBLISH A NOTICE OF ADOPTION OF THE AMENDMENTS IN LOCAL NEWSPAPERS AND THE AMENDMENTS SHALL BECOME EFFECTIVE UPON PUBLICATION.

CLERK CLARK SUPPORTED THE MOTION.

Supervisor Fletcher asked if there was discussion:

Trustee Hicks noted that Section 27-16 – Complaint Committee Recommendations include past discussion was that there would be a colon after the word *include* **and that but no limited to** language be removed as well as the word *may* with the notion that the Committee would not be vested with equitable powers that are typically reserved to a court of competent jurisdiction.

Also, Trustee Hicks noted that with respect to 27-13c5 was removed in a previous draft. The committee is not responsible for promulgating and publishing rules. That right is left solely to the Township Board.

Trustee Hicks notes that Section 27-5a1, previous discussion was that it would be either Michigan **or** Federal law, because of the fact that those two are contrary to each right now. That his recollection was to remove Federal and leaving under Michigan law.

With respect to 27-5a6, Trustee Hicks believes there is a carryover from previous drafts.. The last sentence was added to say that this section does not apply to felonies or information relative to a felony charge before a conviction or a dismissal. However the word felony was left in the first sentence, in order for it to be consistent with the additional sentence, felony has to be removed form paragraph 6. Trustee Hicks stated he would ask that these changes be accepted as friendly amendments to the pending motion.

It was the consensus of the Board that the changes outlined by Trustee Hicks be made in the final ordinance.

Trustee Fedewa thanked all of the participants, the thoughtful comments and the Board for input, comments and work done on the ordinance. Trustee Fedewa reiterated that if approximately 70% of citizens wanted to see this passed as suggested that perhaps a similar bill should be introduced in the legislature or a citizen initiative to modify State law.

Clerk Clark agreed that there was much valued input, with special thanks to Trustee Hicks with his background as an attorney was instrumental in many ways. Clerk Clark noted that the primary goal is to protect all citizens, including the LGBT community – who are no less deserving than others.

Trustee Hicks thanked all of the participants and noted that the Township Board has spent more time on this particular ordinance than any other in his five years on the Board. Trustee Hicks addressed the comment earlier this evening regarding what other municipalities are doing and stated that Delta Township is autonomous and decides what to take the lead on and at times may or may not be on the same page as our municipal neighbors. In regard to the comment about creating a special interest group and that a

Pandora's box would be opened. Trustee Hicks noted that thankfully others in public service historically did not ascribe to that theory, as at some point today's protected classes were at one time not protected only became such through the advocacy of others. Trustee Hicks stated that regarding citizens claims that we could just trust in our citizens to do the right thing or to live by God's word, if this were the case, there would be no need for laws at all. Trustee Hicks stated in regard to the right to appeal, the Michigan Court Rules do not provide an avenue to appeal a decision from a committee and that is why the appellate jurisdiction fell back with the Township Board. Trustee Hicks notes receiving multiple emails of varying tones either eluding to or directly stating that efforts would be made to ensure he is not re-elected if he voted for the ordinance and stated that he has never placed re-election ahead of doing what is right. Trustee Hicks encouraged the audience to continually participate in future meetings.

Treasurer Pizzo stated that his grandparents immigrated to America from Southern Europe and experienced discrimination due to language barrier and their dark skin tone. They had difficulty getting jobs, and stated the government was a huge help providing jobs through sewer drains projects and paving roads. Treasurer Pizzo doesn't want his children or grandchildren to experience the same economic and social injustices and believes this ordinance will protect them.

Supervisor Fletcher stated that he has been very impressed with the role that the township Board has played in this ordinance over the last several months. Supervisor Fletcher echoed the role of the public and their participation. Supervisor Fletcher also expressed his desire that the Elliott Larson Act addressed adding rights for the LGBT community and that the State should act on this.

THE MOTION PASSED 6-0 (TRUSTEE KOSINSKI ABSENT).

XI. CONSENT AGENDA –

Trustee Hicks requested removal of the October 14, 2013 Committee of the Whole Meeting Minutes.

Clerk Clark requested item 7. Referral of Louis J. Eyde Family be removed.

TRUSTEE MOJICA MOVED TO ADOPT THE AGENDA AS AMENDED. TRUSTEE FEDEWA SUPPORTED THE MOTION.

THE MOTION PASSED 6-0 (TRUSTEE KOSINSKI ABSENT).

3. Bills and Financial Transactions - \$4,653,468.42

Bond/Debt Payments	
Investments	
Payroll & Related	324,229.24
Refunds	4,012.25

Tax Distributions	3,970,289.82
Vendor Claims	354,937.11
Total	\$ 4,653,468.42

TRUSTEE MOJICA MOVED THAT THE BILLS & FINANCIAL TRANSACTIONS BE APPROVED IN THE AMOUNT OF \$4,653,468.42.

TRUSTEE FEDEWA SUPPORTED THE MOTION.

THE MOTION PASSED 6-0 (TRUSTEE KOSINSKI ABSENT).

4. Minutes

October 7, 2013 Regular Board Meeting Minutes

Trustee Hicks requested that the October 14, 2013 Committee of the Whole Meeting minutes removed.

TRUSTEE MOJICA MOVED TO APPROVE THE OCTOBER 7, 2013 REGULAR BOARD MEETING MINUTES AS PRESENTED.

TRUSTEE FEDEWA SUPPORTED THE MOTION.

THE MOTION PASSED 6-0 (TRUSTEE KOSINSKI ABSENT).

5. Set a Public Hearing for Proposed FY 2014 Budget

TRUSTEE MOJICA MOVED THAT THE TOWNSHIP BOARD SET A PUBLIC HEARING TO CONSIDER THE PROPOSED 2014 BUDGET FOR THE CHARTER TOWNSHIP OF DELTA.

TRUSTEE FEDEWA SUPPORTED THE MOTION.

THE MOTION PASSED 6-0 (TRUSTEE KOSINSKI ABSENT).

6. Acceptance of Shadow Glen No. 3 Deed of Grant and Waiver of Lien

TRUSTEE MOJICA MOVED THAT THE TOWNSHIP BOARD ACCEPT THE DEED OF GRANT AND WAIVER OF LIEN FOR THE SANITARY SEWER AND WATER FACILITIES INSTALLED FOR THE SHADOW GLEN NO. 3 SUBDIVISION.

TRUSTEE FEDEWA SUPPORTED THE MOTION.

THE MOTION PASSED 6-0 (TRUSTEE KOSINSKI ABSENT).

8. Recommendation to Approve Shadow Glen No. 3 Final Plat

TRUSTEE MOJICA MOVED THAT THE TOWNSHIP BOARD APPROVE THE FINAL PLAT OF THE 6 LOTS IN SHADOW GLEN NO. 3 SUBDIVISION.

TRUSTEE FEDEWA SUPPORTED THE MOTION.

THE MOTION PASSED 6-0 (TRUSTEE KOSINSKI ABSENT).

9. Recommendation to Approve Shadow Glen No. 4 Preliminary Plat

TRUSTEE MOJICA MOVED THAT THE TOWNSHIP BOARD GRANT FINAL APPROVAL OF THE PRELIMINARY PLAT OF THE 8 LOTS IN SHADOW GLEN NO. 4 SUBDIVISION.

TRUSTEE FEDEWA SUPPORTED THE MOTION.

THE MOTION PASSED 6-0 (TRUSTEE KOSINSKI ABSENT).

XII. ITEMS REMOVED FROM CONSENT AGENDA FOR DISCUSSION

4. Minutes

October 14, 2013 Committee of the Whole Board Meeting Minutes

Trustee Hicks noted on page 4, 27-11e, should be noted as Trustee Hick's comment and the following paragraph referencing 27-12 should be noted as Trustee Fedewa's comment.

TRUSTEE HICKS MOVED TO ADOPT THE OCTOBER 14, 2013 COMMITTEE OF THE WHOLE BOARD MEETING MINUTES AS AMENDED.

TREASURER PIZZO SUPPORTED THE MOTION.

THE MOTION PASSED 6-0 (TRUSTEE KOSINSKI ABSENT).

7. Referral of Louis J. Eyde Family, LLC, George F. Eyde Family, LLC, and Eyde Construction Company, LLC Rezoning Request to the Planning Commission for the purpose of holding a public hearing.

Clerk Clark asked for process clarification, specifically where in the process does the Board have opportunity to discuss. Assistant Community Development Director stated that this was the beginning of the process and only the referral. That the request tonight was a referral to the Planning Commission requesting that a public hearing be held, and that the Planning Commission make a

recommendation to the Board. The next action is procedural, for the Board to introduce it at a Regular Board meeting. The Board will then make the final decision as to whether the rezoning is approved. Clerk Clark asked whether the Board has latitude to make changes to the Planning Commission Recommendations and Assistant Director Bozek confirmed.

CLERK CLARK MOVED THAT THE TOWNSHIP BOARD REFER THE EYDE PROPERTIES, LLC REQUEST TO REZONE THEIR PROPERTIES TO THE PLANNING COMMISSION FOR THE PURPOSES OF HOLDING A PUBLIC HEARING.

TRUSTEE MOJICA SUPPORTED THE MOTION.

THE MOTION PASSED 6-0 (TRUSTEE KOSINSKI ABSENT).

XIII. ITEMS ADDED TO AGENDA UNDER SECTION V. SET/ADJUST AGENDA

COMMITTEE OF THE WHOLE

- 1. Proposed Resolution asking the Legislature and the Governor to amend the Elliott Larson Act to include the designation of LGBT.**

XIV. ITEMS OF BUSINESS

10. Recommendation to Approve Engineering Consultant for the 2014 Water Main Replacement Projects

The Community Development Department recommends that the Township Board award the professional engineering contract for the 2014 Water Main Replacement program to Fleis & Vandenbrink, Inc.

TRUSTEE FEDEWA MOVED THAT THE TOWNSHIP BOARD AWARD THE PROFESSIONAL ENGINEERING CONTRACT FOR THE 2014 WATER MAIN REPLACEMENT PROGRAM TO FLEIS & VANDENBRINK, INC. IN THE AMOUNT OF \$188,800.00.

TRUSTEE MOJICA SUPPORTED THE MOTION.
Supervisor Fletcher asked if there was discussion.

Clerk Clark asked if this was for an upcoming project, Township Manager Watkins stated in FY2014. Clerk Clark asked if this was the same firm working on the Huntington Acres water main and it was confirmed that it is the same engineering firm.

Clerk Clark requested a discussion on how that project might be different than the current FY project. Trustee Fedewa asked how the Township can hold the engineer responsible for the work of the contractor. Clerk Clark questioned how that process works when the Township hires a contractor

who then supervises a contractor. Manager Watkins stated that the supervising contractor that Clerk Clark referred to is handling the construction inspection. Further stating that there have been conversations that they perhaps could have been more aggressive in the construction inspection, however they are not responsible for the delays. Manager Watkins also stated that Assistant Director Bozek reviewed the contract this year in terms of the engineering and there were very few surprises. That there have been no change orders that weren't expected. Assistant Director Bozek confirmed that there have been only 2 change orders and one is on the agenda tonight. The first change order involved adding Otis St. to the project. In sum total there is roughly about a \$1.6 million construction and what would be considered errors or omissions by the engineer – either forgetting to put in something that they would have paid for or the error has been less than \$5,000. Further stating that the quality of the plans was very good which is borne out by the bids the Township received and the small amount of change orders to date.

THE MOTION PASSED 6-0 (TRUSTEE KOSINSKI ABSENT).

11. Recommendation to Approve Change Order No. 2 – 2013 Water Main Replacement Project, Balkema Excavating, Inc.

The Community Development Department recommends that the Township Board approve Change Order No. 2 of the 2013 Water Main Replacement Project with Balkema Excavating, Inc.

Treasurer Pizzo asked for discussion as to why the Board is doing this. Manager Watkins noted that the Township didn't expect that this project would be completed prior to snowfall this year and is why it is being removed. Treasurer Pizzo confirmed that this portion will need to be re-bid. Manager Watkins confirmed further stating that the Township purchased all of the pipe from the project and that it would need to be re-bid next year.

CLERK CLARK MOVED THAT THE TOWNSHIP BOARD APPROVE CHANGE ORDER NO. 2 OF THE 2013 WATER MAIN REPLACEMENT PROJECT WITH BALKEMA EXCAVATING, INC.

TRUSTEE MOJICA SUPPORTED THE MOTION.

THE MOTION PASSED 6-0 (TRUSTEE KOSINSKI ABSENT).

12. Bid Results and Recommendation for Award

The Manager's Office recommends that the Township Board award the Delta Patrol Substation and the Community Development Remodel projects to Laux Construction, LLC.

Supervisor Fletcher requested Township Manager Watkins describe the project. Manager Watkins deferred to Deputy Manager Jenny Roberts, who

stated that a conference room is being added to the sub-station that is currently an open space that is not being utilized. Also, there is a new entrance being added in the rear of the sub-station for the Deputies. Deputy Manager Roberts also stated that the two secretaries would be situated more closely together and help create efficiencies for the Community Development Department as well as the residents. The entrance into the department is being opened up to be more aesthetically pleasing. A big plan review room will be added as well as a conference room which will not require much construction. There will be an additional 5 workstations in that area.

Treasurer Pizzo asked whether there were some walls being removed. Deputy Manager Roberts stated upon entry there will be a walk through counter to the left of the area and the secretaries will be past the counter. That there would be new carpet and electrical change-outs, workstations.

TRUSTEE MOJICA MOVED THAT THE TOWNSHIP BOARD AWARD THE DELTA PATROL SUBSTATION AND THE COMMUNITY DEVELOPMENT REMODEL PROJECTS TO LAUX CONSTRUCTION, LLC. IN THE AMOUNT OF \$53,300.00.

TREASURER PIZZO SUPPORTED THE MOTION.

THE MOTION PASSED 6-0 (TRUSTEE KOSINSKI ABSENT).

13. Proposed Change to Employee Manual Chapter 1A

The Manager's Office recommends that the Township Board amend the Employee Manual to reflect the intent of the Non-Discrimination Ordinance with regard to employment.

TRUSTEE FEDWA MOVED THAT THE TOWNSHIP BOARD ADOPT THE AMENDED EMPLOYEE MANUAL CHAPTER 1 SECTION A TO READ AS FOLLOWS: THIS TOWNSHIP IS AN EQUAL OPPORTUNITY EMPLOYER AND PROHIBITS DISCRIMINATION AND HARRASSMENT OF ALL KINDS. IT IS THE INTENT OF THE TOWNSHIP THAT NO PERSON BE DENIED EQUAL PROTECTION OF THE LAWS, NOR SHALL ANY PERSON BE DENIED THE ENJOYMENT OF HIS OR HER CIVIL OR POLITICAL RIGHTS OR BE DISCRIMINATED AGAINST BECAUSE OF ACTUAL OR PERCEIVED RACE, COLOR, OR RELIGION, NATIONAL ORIGIN, SEX, AGE, HEIGHT, WEIGHT, MARTIAL STATUS, PHYSICAL OR MENTAL LIMITATION, SOURCE OF INCOME, FAMILY RESPONSIBILITIES, SEXUAL ORIENTATION OR GENDER IDENTITY/EXPRESSION. NOTHING CONTAINED IN THIS CHAPTER SHALL BE CONSTRUED TO PROHIBIT ANY AFFIRMATIVE ACTION POLICIES PASSED BY ANY LEVEL OF GOVERNMENT.

TRUSTEE MOJICA SUPPORTED THE MOTION.

Trustee Hicks questioned why the motion doesn't mirror the ordinance that was just adopted, that "responsibilities" after familial should be "status". Manager Watkins stated that this motion didn't have the language updated. Trustee Hicks offered the change as a friendly amendment. Trustee Fedewa concurred, Supervisor Fletcher accepted as a friendly amendment. Manager Watkins assured that it would be updated with the correct language.

THE MOTION PASSED 6-0 (TRUSTEE KOSINSKI ABSENT).

14. Rules and Procedures for Processing, Investigating, Mediating/Conciliating, and Recommending Resolution of Complaints

The Manager's Office recommends that the Township Board adopt the Rules and Procedures for Processing, Investigating, Mediating/Conciliating, and Recommending Resolution of Complaints with regard to the Non-Discrimination Ordinance.

**DELTA CHARTER TOWNSHIP NON-DISCRIMINATION COMPLAINT
REVIEW COMMITTEE**

**RULES AND PROCEDURES FOR
PROCESSING, INVESTIGATING, MEDIATING/CONCILIATING, AND
RECOMMENDING RESOLUTION OF COMPLAINTS**

SECTION 1

INTRODUCTION AND AUTHORITY

Chapter 27 of the Delta Charter Township Code of Ordinances prohibits discriminatory practices, provides procedures for investigating and resolving complaints of discrimination, and establishes the Complaint Review Committee. Section 27-13(c) of the Delta Charter Township Code authorizes the Township Board to promulgate and publish rules and guidelines for processing, investigating, mediating/conciliating, and recommending resolution of complaints filed under this Ordinance. These rules and procedures are adopted by the Township Board pursuant to Chapter 27 of the Delta Charter Township Code of Ordinances.

To the extent permitted by law, the Committee will attempt to keep all complaints confidential. However, such complaints are considered public records under the Freedom of Information Act (P.A. 442 of 1976, as amended). All records, files, publications, correspondence, and other materials shall be available to the public as governed by the Freedom of Information Act. Further, the Committee is a public body, and all of its meetings are subject to and must be held in compliance with the Open Meetings Act (P.A. 267 of 1976, as amended).

SECTION 2

MEMBERS

By virtue of their appointments, all members agree to abide by these rules and procedures to be considered Committee members in good standing.

A. Membership Composition. The Committee shall consist of five (5) township residents appointed by the Township Board. To the extent possible, the Committee shall be representative of the population of Delta Township. One of the five individuals shall be a licensed Michigan attorney.

B. Terms of Office. The term of each appointed member shall be three (3) years, or until his or her successor takes office.

C. Vacancies. A Committee vacancy occurring otherwise than through the expiration of the term shall be filled for the unexpired term by action of the Township Board.

D. Restrictions. A Committee member shall hold no other Township office.

E. Excused Absences. To be excused, a member shall notify the Chair at least twenty (24) hours before a meeting from which he or she intends to be absent. If the Chair is not available, the member shall notify

the Vice-Chair, Secretary, or Township Manager (in that order). Failure to make such notification will result in an unexcused absence. If notification is given to anyone other than the Chair, that person shall notify the Chair at the earliest possible convenience.

F. Resignation. A member may resign by sending a letter of resignation to the Township Manager with a copy to the Complaint Review Committee Chair.

G. Removal. The Township Manager may recommend to the Township Board that a Complaint Review Committee member be removed for neglect of duty, or for malfeasance or misfeasance in office. Such removal shall be subject to a public hearing and a concurring majority vote of the Township Board. Any member missing two (2) consecutive regular Committee meetings during a calendar year may be deemed negligent of duty, unless such absences are excused. Any member may inform the Township Manager of instances of suspected neglect of duty, malfeasance or misfeasance by another member.

H. Conflicts of Interest. It shall be a conflict of interest for a Complaint Review Committee member to participate in the deliberation or to vote where the member may have a direct or indirect interest in the subject matter before the Complaint Review Committee. This includes but is not limited to situations where a Committee member is related to, employed by, employs, or in any way professionally represents a person (including a company) involved in the subject matter before the Committee.

Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Complaint Review Committee. The member shall be disqualified from voting on the matter upon a concurring majority vote of the remaining members of the Complaint Review Committee.

Failure of a member to disclose a potential conflict of interest constitutes malfeasance in office.

SECTION 3

OFFICERS

A. Selection of Officers. The Complaint Review Committee shall elect its officers (Chair, Vice-Chair and Secretary) from the appointed members of the Committee by a concurring majority vote of the members.

B. Terms of Office. The terms of the Chair, Vice-Chair, and Secretary shall be for one (1) year, or until a successor is elected. All Complaint Review Committee officers shall be eligible for re-election to consecutive terms for the same office.

C. Vacancies. If a Complaint Review Committee officer position becomes vacant before the end of the regular term of office, the Committee shall elect another person to fill the position in the same manner and under the same conditions outlined above for the remainder of the term of office.

D. Duties of the Chair. The Chair shall review and approve Complaint Review Committee meeting agendas in consultation with the Secretary, preside over all Committee meetings, and execute documents and official Committee correspondence in the name of and as directed by the Committee.

E. Duties of the Vice-Chair. The Vice-Chair shall perform the duties of the Chair in the absence or disability of the Chair.

F. Duties of the Secretary. The Secretary shall perform the following duties:

(1) Prepare Complaint Review Committee meeting agendas in consultation with the Chair.

- (2) Receive and distribute written correspondence to the Complaint Review Committee.
- (3) Prepare and maintain a permanent written record of the minutes for each meeting, which shall be recorded in suitable permanent records maintained by the Township Clerk. The minutes shall include a brief synopsis of public hearing comments and meeting business, a record of attendance and votes, and a complete restatement of the Committee's findings, conclusions, motions, actions, and conditions.
- (4) Ensure proper preparation and dissemination of Complaint Review Committee meeting and public hearing notices in consultation with the Township Clerk.
- (5) Swear in all parties and witnesses.

G. Other Duties. Complaint Review Committee officers shall perform such other duties as directed by the Committee or prescribed by these rules and procedures, state and local laws or the parliamentary authority set forth herein.

SECTION 4

DUTIES OF THE COMPLAINT REVIEW COMMITTEE

A. General Duties. The Committee shall perform the duties set forth in Sections 27-13 through 27-16 of the Delta Charter Township Code of Ordinances. As provided in Section 27-13(c), the Committee's duties and responsibilities include the following:

- (1) Be responsible for receipt, recordation, investigation, mediation, conciliation, recommendation, and/or referral to the Office of the Township Attorney;
- (2) Ensure there are no undue burdens placed on a Claimant, which might discourage filing of a discrimination complaint.
- (3) Commence and complete the complaint investigation, mediation/conciliation, and recommendation process in a timely manner;
- (4) Hold any complaint investigation, mediation/conciliation and recommendation in abeyance pending the outcome of any state or federal investigation being conducted regarding the same matter or incident forming the basis of the complaint; and
- (5) Refer a complaint it deems valid and sufficiently egregious directly to the Township Attorney for review and additional action.
- (6) Impose any penalties consistent with Section 27-17 of the Delta Charter Township Code of Ordinances.

B. Review of Complaints. The Committee will review each complaint to determine whether the complaint was timely filed and reasonably specific. Section 27-13 requires all complaints to be filed within 180 days of the incident that forms the basis of the complaint, and requires the complaint to set forth with reasonable specificity the following:

- the person or persons alleged to have violated Chapter 27;
- the specific nature of the alleged violation; and
- the date(s) of the alleged violation.

The Committee will inform claimants of untimely and/or vague complaints. In the event of a timely but vague complaint, the Committee may request the complainant to provide more detailed information before conducting or during the preliminary investigation.

The Committee will hold any complaint investigation in abeyance pending the outcome of any state or federal investigation being conducted regarding the same matter or incident forming the basis of the complaint.

The Committee may refer a complaint it deems valid and sufficiently egregious directly to the Township Manager for transmittal to the Township Attorney or review and additional action.

C. Preliminary Investigations. After receiving and reviewing a complaint, the Committee will conduct an investigation to determine whether the complaint and preliminary evidence gathered indicates a prima facie violation of any provision of the Non-Discrimination Ordinance (Chapter 27 of the Delta Charter Township Code). The term “prima facie” means that the facts provided by the complainant, if presumed to be true would demonstrate a violation of the Non-Discrimination Ordinance. This is not the final determination of the Committee, because the complaint may potentially be disproved by evidence to the contrary brought forth in the hearing. However, a finding by the Committee of a prima facie violation of the Non-Discrimination Ordinance alleged, shall require the Respondent to file a response to the alleged discrimination.

When conducting the preliminary investigation, the Committee shall follow the steps below as a guide.

- (1) Review applicable sections of the Non-Discrimination Ordinance.
- (2) Note, preliminarily, the apparent significant factual issues involved in the complaint.
- (3) Interview the complainant and examine all documentary evidence provided by complainant. (a) Listen attentively.
(b) Encourage the complainant to describe the circumstances giving rise to filing of the complaint
(c) Ask questions necessary to clarify or elicit additional information.
(d) Seek specific information; use who, what, where, when, and how type questions. (e) Ask how the victim was affected by what happened and what redress s/he wants.
(f) Ask for the names of persons with knowledge of matters related to the complaint, and of persons with whom complainant has spoken about the matter.
(g) Ask for copies of any documents which may pertain to the reported event(s).
- (4) Analyze all information and determine whether the evidence provided to this point indicates a prima facie violation of Chapter 27 of the Code of Ordinances. All deliberation and any decision made must take place during a meeting of the Committee held in compliance with the Open Meetings Act.
- (5) Inform the complainant of the decision. State any factual findings and the rationale for those findings. If the decision is that there is evidence of a prima facie violation, then proceed to schedule a hearing and provide proper notice as required by Section 27-14 of the Code of Ordinances.
- (6) Prepare a list of likely witnesses and sources of pertinent information (e.g., a list of records or documents that may shed light on the underlying situation).

D. Hearings. During an investigatory hearing, the Complaint Review Committee may request the appearance of witnesses and the production of books, papers, records or other documents that may be relevant to a violation or alleged violation of this chapter.

All testimony taken at the hearing must be on the record, under oath and either recorded or transcribed. The Claimant will be permitted to testify first and present any evidence or witnesses. The Respondent will have an opportunity to review all evidence and cross examine all witnesses called by the Claimant. The Respondent will then be allowed to testify, present any evidence and witnesses to

testify on the Respondent's behalf. The Claimant will have an opportunity to cross-examine all witnesses called by the Respondent.

Members of the Complaint Review Committee may ask questions of the Claimant, Respondent, and any witnesses called by either party. Technical rules of evidence shall not apply.

If either the Claimant or the Respondent fail to cooperate with the Complaint Review Committee, such non-cooperation may result in an adverse determination for that person at the hearing.

The hearing must be conducted at a meeting of the Committee held in compliance with the Open Meetings Act. The Committee will attempt to keep the matter confidential to the extent permitted by law. The Committee will generally not discuss the complaint or the investigation with anyone except on a need to know basis.

The Committee will review and consider the testimony and the existence or lack of corroborating evidence, as well as any other factors that may be persuasive to determine the findings of fact. The findings of fact will be based on the testimony and evidence introduced at the hearing. In making its determination, the Committee may assess the credibility of the parties and witnesses, which calls for observing attitudes and behavior. The Committee may base the assessment on factors such as a witness's emotional affect, the timing of the complaint in relation to the occurrence of the behavior, or other factors that may allow for an inference about truthfulness or credibility of the individual involved.

The Committee shall then determine whether a violation of Chapter 27 has occurred based on the factual findings.

E. Preparation of Findings

The Committee's findings of fact shall be based on the testimony and evidence introduced at the hearing. The Committee shall prepare a written report, including a chronological rendition of the factual findings, the Committee's recommendations, and the rationale for any such recommendations. At a minimum, the report shall contain the following elements:

1. a description of the complaint;
2. a summary of the findings of fact based on the testimony of all parties and witnesses and any documents reviewed;
3. a conclusion as to whether a violation of Chapter 27 occurred and a statement of the supporting rationale; and
4. a statement of the recommended actions to be taken (Section 27-16), including any associated penalties (Section 27-17).

The Committee's recommendations may include, but are not limited to, one or more of the following:

- (a) Ceasing the illegal conduct cited in the complaint and taking steps to alleviate the effect of such illegal conduct;
- (b) Providing that the Respondent apologize to the Claimant;
- (c) Closing the matter based upon a mediation/conciliation agreement of the Claimant and Respondent;
- (d) Admitting the Claimant to a place of public accommodation or extending full and equal use and enjoyment of said place of public accommodation;
- (e) Paying some or all of the Claimant's costs, costs incurred at any stage of review;

- (f) Dismissing the complaint;
- (g) Imposing costs against a Claimant for a frivolously filed claim; and
- (h) Imposing penalties pursuant to Section 27-17.

The findings and recommendations shall be served on the parties involved in a complaint as required by Chapter 27 of the Delta Charter Township Code of Ordinances. The Claimant and Respondent shall have thirty (30) days from the date the findings and recommendations are served to either (1) comply with the findings and recommendations, unless a different time frame is provided by the Complaint Review Committee for compliance, or (2) object to the recommendation to the township board.

F. Training and Education. Complaint Review Committee members shall be responsible for attending training workshops, planning conferences or educational programs as needed to properly fulfill Complaint Review Committee duties, and for which appropriations of funds have been approved by the Township Board.

G. Other Duties and Responsibilities. The Complaint Review Committee shall perform such other duties and responsibilities as defined by the Township Board or required by state law or Township ordinance, and shall respond as requested to any other matters referred by the Township Board.

H. Parliamentary Procedure. The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Committee in all cases to which they are applicable and in which they are not inconsistent with these rules and procedures.

SECTION 5

MEETINGS

All business that the Complaint Review Committee may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, applicable state laws, Township ordinances, and these bylaws and rules of procedure.

A. Schedule of Regular Meetings. The Complaint Review Committee shall adopt a schedule of regular meeting dates for the next calendar year at its final regular meeting of the current calendar year. The Complaint Review Committee may schedule and hold regular meetings as deemed necessary to properly perform its duties and complete its work.

B. Annual Meeting. The first regular meeting of the Complaint Review Committee in each year shall be known as the Annual Meeting, and shall be for the purpose of electing officers and for any other business.

C. Special Meetings. Special meetings may be called by the Chair, or by any two (2) members of the Complaint Review Committee upon written request to the Secretary. The purpose of the meeting shall be stated in the notice.

Public notice of the time, date, and place of the special meeting shall be given in the manner required in the Open Meetings Act. The Chair or Secretary shall send written notice of a special meeting to Committee members not less than 48 hours before the meeting. Electronic transmittal of the notice is acceptable, provided that a record of the transmittal is kept by the Secretary.

D. Quorum. Three (3) members of the five (5) member Complaint Review Committee shall constitute a quorum for conducting business. No official action of the Committee may take place without a quorum,

except for closing a meeting. All public hearings without a quorum present shall be rescheduled for the next regular or special meeting.

E. Order of Business. The Chair shall follow a written agenda for all Committee meetings. Except where modified by the Chair and approved by the Committee, the order of business for Committee meetings shall be as follows:

1. Call to Order
2. Roll Call and Determination of a Quorum
3. Approval of Agenda
4. Approval of Minutes
5. Public Hearings
6. Old Business
7. New Business
8. Public Comments (non-agenda items)
9. Correspondence (non-agenda items)
10. Adjournment

F. Public Hearings. Hearings shall be scheduled and due notice given in accordance with Chapter 27 of the Delta Charter Township Code of Ordinances.

The procedures set forth in Section 4 D. herein shall apply to all public hearings conducted by the Complaint Review Committee

G. Complaint Review Committee Deliberation and Consideration. Where a public hearing is required by Township ordinance, the Committee shall not deliberate on the complaint until after the hearing has been closed to public comment. The Chair may recognize any Committee member to begin discussion and deliberation on any complaint.

H. Motions. Decisions of the Committee shall be based upon applicable ordinance standards, and relevant findings of fact.

At a minimum, Committee motions shall contain the following elements:

- (1) Summary of the complaint, the relevant sections of the Township ordinance deemed to have been violated, and the proposed recommendation.
- (2) Statement of findings of fact and conclusions that support the finding of the violation and the proposed recommendation. Members may choose to make a separate motion identifying relevant findings of fact before making a motion to make recommendations on the complaint.

The Chair shall ensure that all members are clear on the motion, and shall request that the motion be restated if necessary before a vote is taken. The name of the members who made and seconded each motion shall be recorded.

I. Voting. Affirmative votes from a majority of the quorum present at the meeting shall be required for the approval of any motion placed before the Committee.

- (1) Voting shall be by roll call vote, except that a voice vote shall be permitted for approval of agendas and minutes, election of officers, meeting adjournment, and similar non-substantive actions.

(2) Unless a member has been excused from voting due to a conflict of interest, all Committee members present at a meeting shall vote on all matters, with the Chair voting last.

(3) A member may be excused from voting only if that person has a bona fide conflict of interest, as recognized by the majority of the remaining members of the Committee. Any member abstaining from a vote shall step away from the Committee table, and shall not participate in discussion or action on the complaint.

J. Notice of Decisions. The Secretary shall prepare a written notice of the Committee decision, including the approved motion, findings of fact, and recommendation. The Chair and Secretary shall concur on the accuracy of the notice of the decision before it is served on the parties. Copies of the notice of the decision shall also be provided to the Township Clerk.

K. Meeting Minutes. Committee minutes shall be prepared by the Secretary of the Committee. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and recording of votes; complete statement of the findings and recommendations made on any action; and recording of attendance. All communications, actions, and resolutions shall be attached to the minutes. The official records shall be deposited with the Township Clerk upon approval by the Committee.

SECTION 6

EXPENDITURES

All expenditures of the Committee shall be within the amount appropriated for Committee purposes by the Township Board.

SECTION 7

PARLIAMENTARY AUTHORITY

The parliamentary rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Complaint Review Committee as applicable and consistent with these rules and procedures.

SECTION 8

ADOPTION AND AMENDMENT OF PROCEDURES AND RULES

These procedures and rules may be amended from time to time by the Township Board by a majority vote thereof, provided that the amendment has been submitted in writing prior to the meeting for which a vote will be held on the amendment.

THESE PROCEDURES AND RULES WERE DULY ADOPTED BY A MAJORITY VOTE OF THE DELTA TOWNSHIP BOARD DURING ITS REGULAR MEETING HELD ON OCTOBER 21, 2013.

TRUSTEE MOJICA MOVED TO ADOPT THE RULES AND PROCEDURES FOR PROCESSING, INVESTIGATING, MEDIATING/CONCILIATING, AND RECOMMENDING RESOLUTION OF COMPLAINTS WITH REGARD TO THE NON-DISCRIMINATION ORDINANCE.

CLERK CLARK SUPPORTED THE MOTION.

THE MOTION PASSED 6-0 (TRUSTEE KOSINSKI ABSENT).

15. Recommendation to Approve the Appointment Policy for the Non-Discrimination Complaint Review Committee

The Manager's Office recommends that the Township Board approve the appointment policy for the Non-Discrimination Complaint Review Committee.

Trustee Hicks noted that the language stating that the committee shall be comprised of "local business leaders" should be residents.

Clerk Clark noted that the reference to publishing should state once a year not twice.

Consensus was that the above be incorporated.

APPOINTMENT PROCESS

NON-DISCRIMINATION COMPLAINT REVIEW COMMITTEE

Membership Composition

The Committee shall consist of five (5) township residents appointed by the Township Board. To the extent possible, the Committee shall be representative of the population of Delta Township. One of the five individuals shall be a licensed Michigan attorney.

Public Solicitation

At least once a year the Clerk's Office advertises for applicants for all Township boards, commissions, etc. The Clerk's Office maintains a pool of applications and provides copies of applications of those who are requesting appointment to a specific committee/commission/board to the appropriate department involved.

Each member of the committee shall be a resident of Delta Township.

If there are no applications on file at the time of the vacancy, the clerk's office will advertise and/or recruit applicants based upon interest and/or involvement with the Township.

Existing members whose terms are expiring are required to request re-appointment if they so desire.

Selection Process

Applications and/or requests for re-appointments are reviewed. Interviews are held as necessary of all interested candidates. Reviews of existing members are also done as terms expire. The Township Supervisor shall recommend the appointment of members of the Non-Discrimination Complain Review Committee.

Board Appointment

A memo concerning a recommendation and motion for approval of the applicant is placed as an agenda item on a regular board agenda. The Clerk's Office will then notify the applicant of the appointment.

TREASURER PIZZO MOVED THAT THE TOWNSHIP BOARD APPROVE THE APPOINTMENT POLICY FOR THE NON-DISCRIMINATION COMPLAINT REVIEW COMMITTEE AS REFLECTING OUR LATEST CHANGES.

TRUSTEE MOJICA SUPPORTED THE MOTION.

MOTION PASSED 6-0 (TRUSTEE KOSINSKI ABSENT).

xv. MANAGER'S REPORT - None

xvi. COMMITTEE OF THE WHOLE - Resolution asking State of Michigan amend the Elliott Larson Act.

Trustee Fedewa presented Meridian Township's resolution which they have passed, with Delta Township inserted in place of Meridian Township. Trustee Fedewa suggesting adding language that the Township has passed a Non-Discrimination Ordinance and that the Township send a whole message out both locally and statewide – that it should be concurrent state effort.

Supervisor Fletcher stated that the Board would discuss the resolution at the next Regular Board meeting.

Clerk Clark reminded everyone that the Delta Township Community Awards is Thursday October 30th 5:30 p.m. – 7:30 p.m. at the Crowne Plaza Hotel, formerly The Lexington. Tickets are \$10 in advance and \$15 at the door.

XVII. PUBLIC COMMENTS

Cheryl Overley who resides at 4910 Grand Woods, Lansing, MI 48917 stated that they moved to Delta Township because they had to. That the local police department added to the strife, that she found she could co-exist with many different people. That the local school district would not enforce or follow the I.E.P.s (individual education plans) without being taken to court. Her interactions with Delta Township and local school district have been in direct contrast. People that she has worked with in the Township have treated her warmly and in a caring way. That the school district has been extremely proactive and accommodating. That she believes that the culture in Delta Township is truly a kind and caring one.

Supervisor Fletcher stated that the Township really does have some outstanding employees and that he and the Board appreciates her sharing her perspective.

XVIII. ADJOURNMENT

Supervisor Fletcher adjourned the meeting at 8:48 p.m.

CHARTER TOWNSHIP OF DELTA

KENNETH FLETCHER, SUPERVISOR

MARY CLARK, CLERK

/kt
M:\Regular Board Meeting\BD\MIN\October 21, 2013
Minutes Approved:

TO: Township Board
Delta Charter Township

FROM: Gary Bozek, Assistant Director
Community Development Department

DATE: October 28, 2013

SUBJECT: Acceptance of Eaton Senior Leasing, LLC (Ciena Healthcare) Utility Agreement

Eaton Senior Leasing, LLC (aka Ciena Healthcare) will be constructing the 65,445 square foot 100-bed Regency at Lansing Skilled Nursing Facility on a 9.1 acre site located at 12200 Broadbent, immediately to the north of the Art Van Furniture Store, in Section 9 of the Township. The property is identified on the Township's tax roll as Parcel No. 040-009-300-024-00. Attached please find an executed Municipal Utility Agreement for water and sanitary sewer services. The document is the standard agreement that has been drafted and is currently use by the Township Engineering Division.

The following motion is offered for the Board's consideration:

“I move that the Township Board approve the Municipal Utility Agreement submitted by Eaton Senior Leasing, LLC (aka Ciena Healthcare) for the extension of a water and sewer facilities to serve the proposed Regency at Lansing Skilled Nursing Facility on property located at 12200 Broadbent Road in Section 9 of Delta Township on Parcel No. 040-009-300-024-00. I further move that the Township Supervisor and Clerk be authorized and directed to sign the agreement on behalf of the Township”

Please contact me if you have any questions.

/gb

Attachment

\\COSMO\ENGINEERING\PRIVATE DEVELOPMENT\FED EX\FEDEX UTILITY AGREEMENT BOARD ACCEPTANCE MEMO.DOC

**CHARTER TOWNSHIP OF DELTA
MUNICIPAL UTILITY AGREEMENT
FOR
REGENCY AT LANSING SKILLED NURSING FACILITY
12200 BROADBENT ROAD - SECTION 9**

THIS AGREEMENT, made this _____ day of _____, 2013, by and between **EATON SENIOR LEASING, LLC**, whose address is 4000 Town Center, Suite 700, Southfield, Michigan 48075, hereinafter referred to as "Developer" and the **CHARTER TOWNSHIP OF DELTA**, a Michigan Municipal Corporation, whose address is 7710 West Saginaw Highway, Lansing, Michigan 48917, hereinafter referred to as "Delta".

WITNESSETH:

WHEREAS, Developer is desirous of extending the Municipal Sanitary Sewer and/or Water Main Facilities to serve its proposed development in accordance with Chapter 40 of the Township's Code of Ordinances, as amended, and

WHEREAS, The parties hereto intend by this Agreement to aid in the administration of the extension and/or relocation of the Municipal Sanitary Sewer and/or Water Main Facilities for the proposed development:

NOW, THEREFORE, IT IS HEREBY AGREED by and between the parties heretofore and in consideration of the foregoing and the mutual promises hereinafter contained as follows:

1. This Agreement concerns the approved Site and Construction Civil Engineering & Site Work Plans for the Regency at Lansing Skilled Nursing Facility, consisting of Sheet Nos. C1.1 through C11.2, as prepared by PEA, Professional Engineering Associates, dated OCTOBER 21, 2013 and sealed by STEVEN A. SORENSEN, P.E., a registered professional engineer; which will serve as the drawings of record as to Sanitary Sewer and/or Water Main Facilities to be built and/or relocated; and which may be revised to incorporate changes in the development of the site that is the subject of the site plan drawings and/or any new phases thereof, subject to prior written approval of the Township Engineer and the revising of the site plan drawings. Issuances of sewer and/or water permits for connecting individual buildings to the Sanitary Sewer and/or Water Main Facilities are subject to satisfactory completion of the Sanitary Sewer and/or Water Main Facilities as set forth in this Agreement.

2. Developer shall arrange for the procurement of the necessary materials, labor and equipment to cause the construction of the Sanitary Sewer and/or Water Main Facilities on private and public properties. Certain of these facilities, upon completion, shall be owned by Delta, in a manner consistent with this Agreement, the plans and specifications, and all applicable statutes, ordinances and rules, and regulations. Developer shall pay all costs of installation and construction of the Sanitary Sewer and/or Water Main Facilities to be owned by Delta upon completion thereof. Developer shall pay all charges incurred by Delta for engineering services as later herein delineated. Developer shall be responsible for contractors retained to perform the work, and shall condition final payments to said contractors upon certification of the completed work by the Township Engineer. Safety in the construction of the Sanitary Sewer and/or Water Main Facilities shall be the sole responsibility of the Developer and his contractors. The contractors shall comply with the current applicable requirements of Federal and State of Michigan Occupational Health and Safety regulations during construction of the Sanitary Sewer and/or Water Main Facilities.

3. That the parties agree the facilities indicated herein to be built may be phased or staged. Developer agrees that it will supply Delta with construction plans and specifications for any current phase of the work covered by this Agreement, which plans shall be prepared by a Registered Professional Engineer, licensed to practice in the State of Michigan, to show the proposed utility facilities to become the property of Delta. The plans and specifications shall be consistent with the **DELTA MUNICIPAL UTILITY STANDARDS**. All construction plans and specifications in connection therewith shall be subject to approval by the Township Engineer. The Township Engineer shall forward all such plans for approval of the appropriate State agency and the issuance of the necessary permits, as applicable. When a permit is granted by the appropriate State agency, same shall constitute approval by said agency and the Township Engineer. Developer shall furnish Delta a reproducible copy of the plans and specifications for the Township Engineer's use during construction.

4. That the parties agree a commitment is hereby made on the part of the Developer to build the Sanitary Sewer and/or Water Main Facilities herein indicated within two years of the issuance of the State permits, and on the part of Delta, to own, operate and maintain the public portion of the Municipal Sanitary Sewer and/or Water Main Facilities, being the public sewer main and associated manholes and the public water mains and associated valves and hydrants. The sewer stubs, the building sewer main connecting the buildings to the public sewer main, and the water stubs and leads connecting the public water main to the buildings shall be maintained by the owners of the buildings which are connected.

5. That all resident engineering, layout staking and detailed construction inspection, including compaction of trench backfill material, shall be performed by qualified personnel retained by the Developer. The Township Engineer shall perform the following activities in assessing general compliance with the requirements of Delta's **MUNICIPAL UTILITY STANDARDS** as applicable:

SANITARY SEWER FACILITIES:

Spot check materials, general construction methods and procedures, subgrade and sand bedding of the mains.

Observe subgrade for each manhole.

Observe any and all concrete encasement of risers.

Check out all manholes upon completion of a substantial portion of the project.

Observe air test of system.

Determine, by field survey, vertical and horizontal locations of each manhole and service stub-end after installation of the facilities.

Prepare separate as-built drawings for the Sanitary Sewer Facilities.

Prepare easement grants, as required.

WATER FACILITIES:

Spot check materials and general construction methods and procedures.

Observe all connections to existing mains.

Coordinate shut down of existing customers as situation dictates.

Operate existing valves when procedures dictate.

Observe pressure test, disinfection and thrust restraint devices; draw and deliver watch samples to a MDEQ-certified laboratory.

Locate, by field measure, spot elevations of top of mains, valves, hydrants, service shut offs in road rights-of-way and main after installation of the Water Main Facilities.

Prepare separate as-built drawings for the Water Main Facilities.

Prepare easement grants, as required.

The Township Engineer shall not supervise construction, perform any staking, or necessarily observe all the construction work. Developer shall pay the actual hourly rate of Delta personnel employed to perform engineering services plus time and one-half for overtime and double time for Sunday or Holiday work, plus 70% to cover fringes, transportation, equipment and administrative overhead costs. Above said work by the Township Engineer is estimated to cost \$3,684.84; as much as 20% increase is estimated if part of the work is performed during the period of November through April.

6. That the construction shall not commence until the Township Engineer shall have given written authorization to the Developer. Prior to starting construction work Developer shall have:

- A. Caused his contractor to furnish certificates of insurance noting Delta as an additional insured (see General Conditions of Municipal Utility Standards).
- B. Bulkhead the existing sanitary sewer main at a location and in the manner approved by the Township Engineer to preclude storm water getting into the sanitary sewer system.
- C. Conducted the pre-construction meeting (See General Specifications of Municipal Utility Standards).
- D. Caused his contractor to have obtained proper permits from the Road Commission and the other governmental agencies as may be applicable, and to have notified the **MISS DIG** program.

7. It is agreed between the parties that the Township Engineer shall have jurisdiction and control of the water valves in Delta's existing water mains and that any time the Water Main Facilities must be turned on or off in order to facilitate the construction of the new Water Main Facilities, same shall be done under the jurisdiction or representatives of the Township Engineer. Water meters shall not be installed until after the Township Engineer has certified the satisfactory completion of the work; however, at the sole discretion of the Township, temporary meters may be installed at the expense of the Developer for water to be used in the construction of a building, said temporary water meter to be installed by Delta's Water Department personnel only after the pressure testing and "safe" water sampling is complete and with the affirmation of the Township Engineer. If temporary meters are permitted by the Township, the Developer shall be liable for any damage or loss which is incurred due to the Developer's use of the Township water system. The Township Engineer shall not draw the "safe" water sample prior to satisfactory completion of that portion of the public sanitary sewer and water systems serving the same buildable parcels of land.

8. That the Township Engineer shall certify the satisfactory completion of the work provided for hereunder; said certificate shall be filed with the Township Clerk. The following items, as applicable, shall be completed before final certification can be made:

- A. A satisfactory high pressure hydrostatic testing of the Water Main Facilities shall be made.
- B. Receipt of tests of water taken from the Water Main Facilities showing same to have been tested "safe"
- C. Developer shall insure clean-up of construction site within the road right-of-way.
- D. Developer shall deliver a deed of grant from Developer to Delta covering all of the in-ground installations which are to be owned by Delta.
- E. Waivers of lien on the project shall be filed with the Township Engineer.
- F. Easement grants, suitable for recording, granting to Delta access to the utility mains to be owned by Delta for construction, operation and maintenance purposes, including the right to make future hook-ups or connections to any of said lines shall have been delivered for such mains not constructed in public roadways.

9. That no permits for the use of any utilities shall be either requested or issued until after the facilities which are to become the property of Delta have been certified as satisfactorily complete by the Township Engineer and the proper deeds of grant, waivers of lien and easement agreements are provided to the Township in accordance with the requirements of Paragraph 8 of this Agreement. In the event of a violation of this paragraph, the Township may without notice or liability to the Developer, disconnect the facilities and/or take any other action necessary to prevent the flowage of sanitary sewage into the public sewer system and/or the flowage of water into the facilities constructed pursuant to this Agreement. The Developer shall pay all costs, including actual attorney's fees, which the Township incurs in enforcing the provisions of this paragraph.

10. It is further agreed by the parties that no building shall be occupied nor an occupancy permit be issued until after an access road shall be completed to assure access by Delta's Fire Department apparatus and the Township Engineer has certified to the satisfactory completion of the work.

11. Delta agrees that when certification of final approval has been made by the Township Engineer, subject to a final financial accounting and any other applicable considerations which may

arise, the Board of Delta shall accept the certain facilities which are to be a part of Delta's Municipal Sanitary Sewer and/or Water Main Facilities.

12. That Developer guarantees the materials and workmanship in the facilities for a period of not more than two (2) years from the date of partial utilization, but at least one (1) year from the date of final acceptance of said facilities by the Township Board.

13. Developer shall, upon completion of construction of the Sanitary Sewer and/or Water Main Facilities, certify as to the costs of materials, labor, equipment, engineering and administrative overhead to the Township Engineer so that Delta may capitalize donated assets.

14. Main charges shall be levied on the Municipal Sanitary Sewer and/or Water Main Facilities as provided for in Chapter 40 of the Township Code of Ordinances.

15. That the Developer shall indemnify and hold harmless, Delta and its agents and employees from and against any and all claims for damage or losses and expenses arising out of or reasonably incidental to construction, installation and/or hook-up operations, irrespective of ownership or control or the specific location of damage or system component involved.

16. Pursuant to Sections 40-204 and 40-513 of the Township Code of Ordinances the Township by this contract agrees to rebate main and stub charges from Third parties, if any such charges are collected, to the Developer for future connections to Municipal Sanitary Sewer and/or Water Main Facilities constructed as part of the development that is the subject of this Agreement for a period of seven (7) years. The Township shall have the sole authority to determine what future connections come within the provisions of this paragraph. Total rebates shall not exceed the actual cost of construction abutting Third Parties' property. The Developer shall not contract with, or otherwise exact any fee from, any third party who desires to connect to, and/or make any addition to Delta's Municipal Sanitary Sewer and/or Water Main Facilities.

17. This Agreement shall expire seven (7) years from the first said date and may be amended or extended at any time upon mutual consent of the parties.

18. Partial Invalidity. If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable in any manner, the remaining provisions of the Agreement shall nonetheless continue in full force and effect without being impaired or invalidated in any way. In addition, if any provision of this Agreement may be modified by a court of competent jurisdiction such that it may be enforced, then said provision shall be modified and, as modified, shall be fully enforced.

19. Applicable Law. This Agreement, together with the right, duties and obligations hereunder, shall be construed in accordance with the laws of the State of Michigan.

20. Conflict. In the event of a conflict between the terms of this Agreement the Township Code of Ordinances, the provisions contained in the Township Code of Ordinances shall govern.

21. Entire Agreement. Except as otherwise stated herein, This Agreement contains the entire understanding of the parties hereto with respect to the subject matter contained herein, supersedes all prior agreements, understandings and negotiations; and no parole evidence of prior or contemporaneous agreements, understanding and negotiations shall govern or be used to construe or modify this Agreement. No modification or alteration hereof shall be deemed effective unless in writing and signed by all parties to this Agreement.

22. Code of Ordinances. The Developer shall comply with the provisions of the Township Code of Ordinances which are in effect at the time when the work is performed under this Agreement, even though there may be changes to these Ordinances after the date that this Agreement is signed by the Developer.

23. Termination. In the event that the Developer breaches any of the terms, covenants or conditions contained in this Agreement, the Township, at its option and after providing written notice thereof to the Developer and Developer's failure to cure the same within twenty (20) calendar days after Developer's receipt thereof, may terminate this Agreement and all of the rights of Developer hereunder shall cease. The Township shall be entitled to all costs, including actual attorneys' fees, which the Township incurs because of the Developer's breach of this Agreement.

24. Time. Time is of the essence to this Agreement and each and all of its provisions.

IN WITNESS WHEREOF, the parties have hereunto set their hand and seal the day and year first above written.

IN THE PRESENCE OF:

EATON SENIOR LEASING, LLC

Shannon Hassler
Witness #1: Shannon Hassler
(Printed Name)

[Signature]
(Signature)

Mohammed A. Qazi
(Printed Name)

Its: Manager
(Title)

Shumaila Khan
Witness #2: Shumaila Khan
(Printed Name)

STATE OF MICHIGAN }
COUNTY OF Oakland } ss

On this 18th day of October, 2013, before me, appeared Mohammed A. Qazi to me personally known, who being by me duly sworn did say that he/she was the Manager of Eaton Senior Leasing, LLC, executed the within instrument and did acknowledge same to be free act and deed of Eaton Senior Leasing, LLC.

TAMI L. HUNT
Notary Public, State of Michigan
County of Macomb
My Commission Expires July 14, 2018
Acting in the County of Oakland

Tami L. Hunt
Notary Public
My Commission Expires: _____ County, _____

Kenneth R. Fletcher, Supervisor
(per authorization contained in the Board
Resolution attached as "Exhibit A")

Mary Clark, Clerk
(per authorization contained in the Board
Resolution attached as "Exhibit A")

STATE OF MICHIGAN }
 } ss
COUNTY OF EATON }

On this _____ day of _____, 2013 before me appeared Kenneth R. Fletcher and Mary Clark, to me personally known, who being by me duly sworn, did say that they are the Supervisor and Clerk, respectively of the Charter Township of Delta, who executed the within instrument and acknowledged said instrument to be a free act and deed of said Township.

Notary Public _____ County, MI
My Commission Expires: _____

DRAFTED BY
Gary M. Bozek, AICP, PCP
Assistant Director
Community Development Department
Charter Township of Delta
7710 West Saginaw Highway
Lansing, Michigan 48917

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MEMO



TO: Township Board
Delta Township

FROM: Richard Watkins
Township Manager

DATE: October 23, 2013

SUBJECT: Proposed 2014 Holiday Schedule

The Employee Manual states: “All full-time regular employees shall receive the following days as paid holidays:

New Year’s Day	Martin Luther King Day	Good Friday
Memorial Day	Independence Day	Independence Day Extended
Labor Day	Thanksgiving	Thanksgiving Extended
Christmas Eve	Christmas Day	

The following schedule reflects the proposed 2014 holiday schedule. It is recommended that the Independence Day Extended holiday be designated as the Thursday before Independence Day.

New Year’s Day	1/1/14 – Wednesday
Martin Luther King Day	1/20/14 – Monday
Good Friday	4/18/14 – Friday
Memorial Day	5/26/14 – Monday
Independence Day Extended	7/3/14 – Thursday
Independence Day	7/4/14 – Friday
Labor Day	9/1/14 – Monday
Thanksgiving Day	11/27/14 – Thursday
Thanksgiving Day Extended	11/28/14 – Friday
Christmas Eve	12/24/14 – Wednesday
Christmas Day	12/25/14 – Thursday

Therefore, I offer the following for your consideration and approval:

“I move the Township Board of the Charter Township of Delta approve the proposed 2014 Holiday Schedule.”



MEMO

TO: Township Board
Delta Township

FROM: Richard Watkins
Township Manager

DATE: October 29, 2013

SUBJECT: Additional Credited Service for Donald Fox, Fire Department

Paramedic Firefighter Donald Fox, Delta Township Fire Department employee, has requested he be allowed by Municipal Employees Retirement System (MERS) to purchase twenty-one (21) months of additional credited service (generic time). The Bargaining Unit Agreement, Article 51.3 allows for the purchase of up to five (5) years of either military, past service, or generic time.

After reviewing the form as presented by Mr. Fox and MERS, I hereby offer the following resolution:

“As provided by the MERS Plan Document, the twenty-one (21) months additional credited service is granted this member by resolution adopted by the Township Board of the Charter Township of Delta at its meeting on November 4, 2013. It is understood that calculation of the actuarial cost is based on the assumptions approved by the MERS Retirement Board on the date the calculation was prepared. Actual, future events and experience may result in changes different from those assumed, and liability different from that estimated, and

Furthermore, the employee (Donald Fox) will be responsible and is required to pay the full cost of the purchase for the credited service.”

APPLICATION FOR ADDITIONAL CREDITED SERVICE
Cost Estimate, Member Certification and Governing Body Resolution

MEMBER

Name: Donald J Fox
 SN: XXX-XX-1618
 DOB: 8/28/1961
 Age: 52 years, 2 months
 Spouse's DOB: 9/7/1963

CALCULATION DATE - 11/1/2013

(Estimate Not Valid After 2 Months)

BENEFIT PROGRAMS

Benefit B-4 (80% max)
 Benefit F50 (With 25 Years of Service)
 Benefit FAC-3 (3 Year Final Average Compensation)
 10 Year Vesting
 E2 2.5% COLA for future retirees (09/01/2002)

EMPLOYER

Name: Delta Chtr Twp
 Number/Div: 2306 / 05

ESTIMATED FAC ON CALCULATION DATE: \$48,470.51**CREDITED SERVICE**

Member's Service Credit as of Calculation Date:
 Other Governmental Service used for Eligibility (MERS or Act 88):
 Type of Credited Service to be Granted:
 Amount of Credited Service to be Granted:
Total Estimated Actuarial Cost of Additional Credited Service:

1 year, 8 months
 8 years, 0 months
 Generic (Plan Section 7)
 1 year, 9 months (may not be used for vesting)
\$22,888.00 [Payment Options on Reverse]

BENEFIT CALCULATION ASSUMPTIONS

- It is assumed that the Member will continue working until the earliest date for unreduced retirement benefits. If the Member terminates prior to becoming eligible for unreduced benefits, the Employer understands and accepts that the actuarial cost will be different from the actuarial cost shown above.
- The Member's Final Average Compensation (FAC) is projected to increase 4.5% annually from the date of purchase to the date of retirement.
- The Plan's Investment Return is projected to be 7% annually.

NOTE: Special Information regarding the calculation of the cost of this Service Credit Purchase is on page 2 of this report.**THE ADDITIONAL CREDITED SERVICE IS PROJECTED TO RESULT IN THE FOLLOWING CHANGES:**

	Retirement Date	Age	Service Through	Total Service	FAC	Annual Benefit
Before Purchase	9/1/2021	60 yrs., 0 mths.	8/31/2021	9 yrs., 6 mths.	\$68,426.11	\$16,251.24
After Purchase	9/1/2021	60 yrs., 0 mths.	8/31/2021	11 yrs., 3 mths.	\$68,426.11	\$19,244.88

Note: MERS is not responsible for any Member or Employer supplied information, or any losses which may result if actual experience differs from actuarial assumptions. The Member and Employer are responsible for reviewing the information contained herein for accuracy, and assuming the risk that actual experience results in liability different than that estimated.

MEMBER CERTIFICATION

I certify that the above information is correct and accurate. If this is a purchase of qualifying "other governmental" service, I certify that the service has not and will not be recognized for the purpose of obtaining or increasing a pension under another defined benefit retirement plan.

Donald J Fox
 Signature of Member

11/27/13
 Date

APPLICATION FOR ADDITIONAL CREDITED SERVICE
Member Certification and Governing Body Resolution

GOVERNING BODY RESOLUTION

As provided by the MERS Plan Document, and in accordance with the Employer's policy there under, the additional credited service described above is hereby granted this Member by Resolution of the Governing Body of Delta Chtr Twp, at its meeting on _____. The Employer understands this is an estimated cost, calculated using actuarial assumptions approved by the Retirement Board. Any difference between the assumptions and actual experience will affect the true cost of the additional service. For example, changes in benefit programs through adoption or transfer of the affected employee to a division with 'better' benefits; increases in wages other than 4.5% per year; and changes to the anticipated date of termination, will affect the actual cost of the additional service (increase or decrease). Thus, actual future events and experience may result in changes different than those assumed, and liability different than that estimated. The Employer understands and agrees that it is accountable for any difference between estimated and actual costs.

Signature of Authorized Official from Delta Chtr Twp

Date

MERS Use Only

Payment Received:	Member Payment:
Service Credited:	ER Payment:
Signed:	

PAYMENT OPTIONS

The Member's share of the cost may be any amount from zero up to the total estimated actuarial cost, and is due at the time of purchase. The Employer's share is the balance of the total estimated actuarial cost not paid by the Member, and must be paid in a lump sum at the time of purchase.

CREDITED SERVICE WHICH MAY BE PURCHASED FOR \$23,625.00

The user indicated that \$23,625.00 was available to purchase credited service. The amount is adequate to purchase 1 year, 9 months of credited service, with an actuarial cost of \$22,888.00. An additional 1 month of credited service (beyond the 1 year, 9 months) would cost an additional \$1,089.00.

STEPS FOR PROCESSING APPLICATION FOR ADDITIONAL SERVICE CREDIT

1. The cost estimate (Application for Additional Service Credit) is **valid for 2 months from the calculation date.**
2. If you are paying for the additional service by a rollover distribution from another pension plan (or traditional IRA), you must follow these steps:
 - Contact the other plan administrator (or trustee) to determine their rules for a distribution of your funds.
 - Complete the form "Certification of Qualified Rollover to MERS". After plan administrator signs form, return the completed original to MERS.
 - Send signed, approved Application for Additional Service Credit to MERS prior to sending any payment.
 - MERS' Finance Department will provide wiring instructions, if needed.
3. If you have any questions, please call MERS Employee and Retiree Services at 800-767-2308, or go to www.mersofmich.com. MERS is a tax-qualified plan under section 401(a) of the Internal Revenue Code, pursuant to IRS Letter of Favorable Determination dated June 15, 2005.

SPECIAL CONDITIONS APPLICABLE TO THIS CALCULATION

Per member request, calculation processed for the amount of service credit available for purchase with \$23,625.92 in available funds.

Calculation includes 8 years of "Other MERS" service earned while employed with Looking Glass Rgnl. Fire CLD.

If you will be rolling-over funds from a qualified plan to complete this purchase, additional forms are required. Please visit www.mersofmich.com, click on "forms" to download a copy of form #38, "Certification of Qualified Fund Rollover to MERS" (General) with Instructions.

**CHARTER TOWNSHIP OF DELTA
EATON COUNTY, MICHIGAN**

PROPOSED RESOLUTION

At a regular meeting of the Township Board of the Charter Township of Delta, Eaton County, Michigan (the "Township"), held on _____, 2013, at _____ o'clock p.m.:

PRESENT: Trustees:

ABSENT: Trustees:

The following resolution was offered by Trustee _____ and seconded by Trustee _____:

WHEREAS, it is the intent of the Charter Township of Delta that no person be denied equal protection of the laws; nor shall any person be denied the enjoyment of his or her civil or political rights or be discriminated against or harassed because of actual or perceived race, color, religion, national origin, sex, age, height, weight, marital status, physical or mental limitation, disability, source of income, family responsibilities, educational association, sexual orientation, general identity or expression; and

WHEREAS, the Michigan Constitution declares in Article 1, Section 1, "All power is inherent in the people. Government is instituted for their equal benefit, security and protection"; and

WHEREAS, the Michigan Constitution declares in Article 4, Section 1, "The Legislative power of the State of Michigan is vested in a Senate and House of Representatives"; and

WHEREAS, the Michigan Constitution declares in Article 4, Section 51, "The public health and general welfare of the people of the State are hereby declared to be matters of primary public concern. The Legislature shall pass suitable laws for the protection and promotion of the public health"; and

WHEREAS, the Michigan Elliott-Larsen Civil Rights Act, Act 453 of 1976, was enacted "...to define civil rights; to prohibit discriminatory practices, policies, and customs in the exercise of those rights based upon religion, race, color, national origin, age, sex, height, weight, familial status, or marital status; to preserve the confidentiality of records regarding arrest, detention, or other disposition in which a conviction does not result; to prescribe the powers and duties of the civil rights commission and the department of civil rights; to provide remedies and penalties; to provide for fees; and to repeal certain acts and parts of acts"; and

WHEREAS, the Michigan Elliott-Larsen Civil Rights Act, Act 453 of 1976, in fact does not prohibit ALL discriminatory practices, specifically as it relates to sexual orientation, general identity or expression; and



MEMORANDUM

November 1, 2013

TO: Delta Township Board

FROM: Richard Watkins, Township Manager

SUBJECT: Executive Session

Manager Watkins recommends that the Township Board adjourn to Executive Session to discuss the collective bargaining agreement with the Delta Township Firefighter's Union. This is allowed under the Open Meetings act, Section 15.268 (c), P.A. 267 of 1976, as amended.